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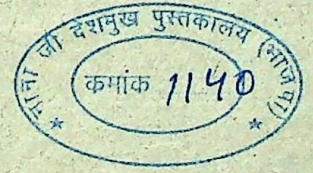

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Jammu & Kashmir Politics : Its Critical Aspects

VOL. II

DONATED BY
Dr. VIDYA BHUSHAN
PROF (RETD) POL. SC
UNIVERSITY OF JAMMU
JAMMU

DR. VIDYA BHUSHAN

First Published 200

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ABOUT THE BOOK

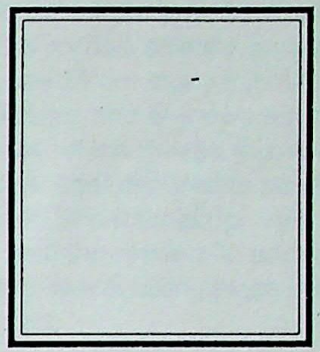
The three volumes of the present book, being spread over about 1300 pages, covers a wide spectrum of the politics of Jammu and Kashmir State, spanning the crucial period of about sixty seven years of its political history. These are the collections of my articles as well as historical documents relating to the most turbulent political events taken place in the State right from the days of the dawn of political awakening and the Kashmirs' Fight for Freedom down to our own days *i.e.* the rise of militancy. The selection of articles and documents have been made keeping in view not only the requirements of those engaged in the study of Jammu & Kashmir politics for the post-graduate degree in the Indian Universities or abroad but also of those who are interested to know more about facts and events, to acquire core knowledge and first hand account of controversial and critical issues, inner and outer manoeuvring, ups and downs which the people of the state faced from time to time as well as behind the scene developments which had their secret hands in the off and on changes in Jammu and Kashmir— one of the most strategic and sensitive boarder State of the Indian Union.

Attempts have also been made to record in chronological sequences of these political events and their related documents.

As this book reveals the details of most of the critical and controversial political events of Jammu and Kashmir politics along with its pit falls since the dawn of its political awakening, its study shall be quite interesting and observing.

Volume-II, however, covers : The Jammu and Kashmir Politics : Its Critical Aspects in post -1953 Era. That is commencing with the politics of shifting policy from Maximum state Autonomy to Limited State Autonomy or Cautious and Partial Integration during the decade of G.M. Bakashi premiership; (1953-1963), Politics of Progressive Integration and Liberalisation during Mr. G.M. Sadiq years (1964-1971) as well as brief period of Mr. Qasim (1971-1975);, Indira-Sheikh Accord of 1975 and return of Sheikh Mohd. Abdullah in power again; The Politics of Dismissal of Dr. Farooq Abdullah's Ministry in 1984 and formation of G.M. Shah's Ministry; Rajiv-Farooq Accord of 1986 and formation of National Conference (F) and Congress (R) Coalision Ministry; Rise of Militancy and after etc. etc.The Protection of the Rights of Women; Emergent Nature of Rural leadership and changing style of their Functioning; Electoral Politics; Fragile and Fragmented Party Politics in J&K; People's Power and People's Movements— A study of Militancy in Kashmir; and How to Combat Militancy in Kashmir— A View Point.

ABOUT THE AUTHOR



Dr. Vidya Bhushan (born February 14, 1937) graduated from Government Gandhi Memorial (Arts) College, Jammu in 1958. He also obtained the Degree of Bachelor of Education (B.Ed.) from Jammu and Kashmir University in 1959. He, then, joined Aligarh Muslim University, Aligarh from where he obtained his M.A. degree in Political science and L.L.B. in 1962 and 1963 respectively.

He started his career in the Education Department of Jammu and Kashmir Government and continued to serve till 1967. During this period he had worked as Lecturer in Political Science in the Government Colleges at Poonch and Udhampur. In July, 1967, he joined the Post Graduate Department of Political Science, Jammu and Kashmir University at Jammu Division, Jammu (now the University of Jammu) and has worked in various capacities till his retirement as a professor of Political Science in Feb. 1997. He got his Ph.D. Degree from this university in 1980. He has been contributing articles and research papers on the different aspects of State politics in India, with particular reference to Jammu and Kashmir in reputed Indian Journals as well as local Newspapers.

His other publications are State Politics and Government : Jammu and Kashmir; Evolution of Democratic Institutions in Indian polity; and Comparative Politics. At present, he is working on a U.G.C. sponsored project entitles "Integrationist Movements in Indian states : A study of Jammu and kashmir" in P.G. Deptt. of Political Science, University of Jammu, Jammu (Tawi).

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PREFACE

Much has been written on Kashmir politics since independence. Still there are not many broad ranged books on the subject available to Indian and Western scholars. Most of the writings touched briefly the controversial issues. As a result most of the people interested in the politics of Jammu and Kashmir are either still ignorant of behind the scene developments on the political changes in Kashmir or not very much clear in their minds about the deeper realities of the various aspects of Kashmir politics as well as intricacies in its controversial political issues.

Moreover, the author has been teaching and guiding research on Jammu and Kashmir Politics in post-graduate department of political science, University of Jammu, Jammu (Tawi) since 1983 and all the time he has been reminded by his scholars of the need for a comprehensive book with simplified and to the point description as well as the sequences of events which from time to time shaped the political situations in Kashmir.

In order to introduce the young scholars and others to the intricacies of core issues on Kashmir politics, the present volume, written in simple language and handy in size, is designed to present simplified discriptions of different aspects of Kashmir politics as well as its related documents.

I, therefore, hope that this volume will not only cater well to the requirements of those engaged in the study of the politics of Jammu & Kashmir' for the post-graduate degrees at University levels, of those scholars who are interested in having first hand knowledge on the controversial issues of her politics but also of those who want to know more about the facts and events of political history of Kashmir along with her inner and outer politics, to have a clear knowledge of the ups and downs which the people of Jammu and Kashmir had faced from time to time and behind the scene developrnents which had their secret hands in the off and on changes in the state.

I may further point out that the various topics discussed in this volume are based on the information, findings, observations of many eminent writers, journalists political leaders, outstanding personalities of that period in the state, those who had the privilege of being very closer to the top ranking leaders of the freedom movement in Kashmir and after, and also those who had close contact with the outstanding political personalities in the state from time to time and first hand account recorded by persons who had actively participated in its turbulence and decisive stages. Apart from many scholarly works the author has also depended on pamphlets and on news papers both Indian and foreign as his source material, which makes this volume an objectives presentation. Moreover, I have endeavoured to adhere to a factual narration, avoiding the expression of personal opinions as far as possible. This volume will, therefore, help the readers to understand more rationally the main course of political events taking place in the state of Jammu and Kashmir in the recent past.

This volume is the collection of my articles on the different controversial issues on Kashmir's politics since the insception of her freedom movement. These have been edited by avoiding too much repetitions and to fit into a running theme. An attempt has also been made to record these political events in chronological sequence, by summing up the view points and impressions of unbiased and unaffiliated observers. In the quest of knowing more about some of the intricacies of political events, opportunity of interviewing some of the outstanding personalities of that period in the state has also been availed of.

I am highly grateful to Prof. K.L. Bhalla— Ex Head of deptt. of English G.G.M Science College, Jammu— Dr. Sheetal Gupta— Lecturer Selection Grade, college of Education, Canal road, Jammu Dr. Falender K. Sundan,Reader, Department of Economics, University of Jammu, Jammu. Dr. Yog Raj Sharma Sr. Lecturer Department of Political Science University of Jammu, Jammu and Dr. Archana Gupta and Ms. Jyotsna Gupta who have helped me in correcting the manuscript.

My thanks are also due to S.Gurpal Singh for taking pains in its computerisation the script.

Dated : 28.9.-20[illegible]

VIDYA BHUSHAN

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1

THE FORMATION OF THE ALL JAMMU AND KASHMIR PLEBISCITE FRONT AND ITS POLITICS

As already pointed out that the motivational variations arising out of varied political considerations and failure of the centre-state leadership at various levels to reconcile the various claims and aspirations led to the constitutional crisis of August 1953.[1] As a result the first popularity elected Minstry of Sheikh Abdullas was dismissed. He and his promient supporter Mr. M.A. Beg and few others were arrested under the Public Security Act[2] and Bakshi Gulam Mohd. took over as the new premier of the state. All this was termed an attack on the sub-nationalism of Kashmir by the Indian government[3] and murder of democracy in Kashmir. It, therefore, evoked a violent reaction in the valley in which about ten thousand persons including one hundred women were also arrested.[4] The movement though was crushed by the new regime yet it caused feelings of hatred against India.

Mr. M.A. Beg who was later on released from detention in November 1954 because of ill health,[5] however, conceived an idea for floating a new party, not only to meet the new challenge against Kashmir's right of self-determination but also to mobilise public opinion against Bakshi government. The decision to set up this front said to have been taken by Mr. Beg when he was inside the Jail after consultations with his colleagues and this move had also been discussed by him with his outside associates after his release.

Thus M.A. Beg alongwith six sitting members of the state legislature and one member of Parliament from the state left the All J&K National Conference and founded the All J&K Plebiscite Front on August 9, 1955 i.e., two years after the crisis of August 1953.[6] On the same day a special session of the party was convened in the lawns of the residential house of Khwaja Ali Shah, which was attended by thousands of supporters of the party and Mr. Beg and Mr. G.H. Hamdani were unanimously elected as president and secretary of the party respectively.[7] An Executive Committee consisting of sixteen members was also

elected. The following were the members elected to the Executive Commitee[8] :—

1. Mirza Mohammad Afzal Beg (President);
2. Sofi Mohammad Akbar (Vice-President);
3. Kh. Abdul Gani Gooni (Vice-President);
4. Kh. Mohi-ud-Din Hamadani (General Secretary);
5. Kh. Sadar-Ud-Din Mujahid (Secretary) ;
7. Haji Mohammad Ishaq (Treasure);
8. Kh. Ali Shah, Srinagar (Member);
9. Sheikh Mohammad Mansoor, Kulgam (Member);
10. Mohammad Subhan Bhatt, Pulwama (Member);
11. Pir Mohammed Afzal Makdoomi, Srinagar (Member);
12. Hakim Habib-Ullah, Sopore (Member);
13. Gulam Nabi Wani, Budgam (Member);
14. Pir Mohammad Magbool Yelgami (Member);
15. Gulam Qadir Hawabaz, Baramullah (Member);
16. Gulam Mohammad Dar, Banihal (Member).

Soon after the formation of the Executive Committee, the elections of the district and tehsil committees were held.[9]

While declaring that "No power on the Earth can deprive the people of Kashmir the right of Self-determination",[10] Mr. M.A. Beg read out the manifesto of the party which signed by M.A. Beg; Sofi Mohd Akbar (M.P.); Hakim Habib-Ullah (M.L.A.); Peer Mohd Maqbool Yelgini (Ex.M.L.A.); Sadar-ud-Din Mujahid (Editor Khalid); Haji Mohammad Ishaq (Vice-Chairman, All India Shia Conference); and Kh. Abdul Gani Gooni (M.L.A.).[11]

The Plebiscite Front also said to have the blessings of Sheikh Mohd Abdullah. Although he never formally joined the party yet he helped the party to become a popular organisation in Kashmir.[12] As the time passed on, it became the most effective and influential party in the valley as well as in Muslim belt of Jammu region.[13] In view of its popularity the party was banned in the beginning, but subsequently the ban was lifted.[14]

The next party convention was convened at Islamabad on September 10, 1955 in which Mr. M.A. Beg, the President of the party, issued the policy statement. On 6th October, 1955 the Front convened a two-days convention at Sopore which was attended by thousands of people and confirmed[15] Mr. Beg's statement of 10th September, 1955 which

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contained :[16]

"The Plebiscite Front is sure that the world opinion cannot be misled for long. Those people who love freedom inspred and democracy and struggle for human rights will stand by us and give moral support to four hundred thousand people of Kashmir in the attainment of their objectives. The only crime of Kashmiris is that they demand the right to express their opinion. Since their beloved leader has been in prison for three years without any trial, the Sheikh's release is a must because in this period of darkness marked by troubles and afflictions, hardships and oppression; tyranny and despotism, he is the only hope of light for them. It is the selfless sacrifices of the Sheikh which aspired the people with valour, courage and determination to fight their enemy without any fear." The statement added that the conditions in the state had been so crucially created for the votaries of the Plebiscite Front that it almost became criminal for them to raise any voice against the oppression exercised by the Government. Even then the people were determined to face the hardships with full strength and march forward to their destination.

Basically the Plebistic Front was organised by Mizra Mohammad Afzal Beg when Sheikh Mohammad Abdullah was in prison. The Front was organised, however, by experineced politicians who had a remarkable role and record of their political life during the freedom struggle in the state. The important personalities involved in the Plebiscite Front politics were[17] "Mirza Mohammad Afzal Beg, Sofi Mahammad Akbar of Sopore, Kh.Abdull Gani Gooni, Kh.Mohi-un-Din Hamadano, Kh. Gulam Rasool Kachok, Haji Mohammad Subban Bhatt, Pir Mohammad Afzal makdoomi, Habibullah Hakim, Sopore, Gulam Nabi Wani, Pir Maqbool Yelgami, Hadwara, Gulam Qadir Hawabaz, Gulam Mahammad Dar, Bannihal, Mirza Gulam Mohammad Beg. Gulam Nabi Kachok, Doctor Majid (Islamabad), Pir Abdul Gani, Kh. Gulam Mahommad Ramzan Kami, Kh. Abdul Ahad (Advocate Sopre), Gulam Hassam Inqilabi, Gulam Ahmed Sofi, Gulam Mohammed Bhat and Gulam Mahammed Sheikh (Doda, Jammu). With these and many other politicains and poltical workers, the Plebiscite Front had declared itself to be a non-communal, secular and non-violent organisation".

Party organisational structure

On the basis of the Plebisxcite Front Constitution 1955, which was subsequently amended in 1965, the party organisational structure comprised[18] :–

1. The Primary Committee or Mohalla or Gam (Village) Committee. Its activities were confined to the Village. The members to this committe were directly elected by the residents of that locality.

2. Next Primary Committee was called Halqa Committee and its activities and functions were confined to the area covered by a patwar Halqa. Its members were indirectly elected by all the elected members and office bearers of all the primary units within the Halqa. Halqa committees existed also in town municipal areas. All the members and office bearers of the committees operating ina Halqa were empowered to elect delegates and these delegates elected the Tehsil President, District and Provincial Committees. The party had one General Council whose members were elected delegates, one fourth from every tehsil from all over the state.

Besides, there were one President; two Vice-Presidents; one General Secretary; two Secretaries; a Treasurer; an Accountant; members of the working committee; who formed the party's central council; delegates; the Tehsil, the District, the Provincial and the state level committees; and the primary or basic members of the party.[19]

The party had a centralized organisational strucure. All the committees used to function under the discipline and general control of the working committee.[20]

However, the Front's Finance Committe, comprising the President, two Vice-Presidents and the Treasurer, used to control the receipt and expenditure of all the funds of the party and audit the accounts of all the subordinate committees.[21]

But the primary or basic membership of the party was open only to those who believed that the state's accession to India was only temperory and provisional and that the issue of accession had to be decided by its people through a plebiscite.[22]

Party Ideology

The ideology of the Plebiscite Front was evident from the very name, aims and objevtives of the party. The party leadership believed that as the Instrument of Accession of the Jammu And Kashmir state with Indian Dominion signed by the Maharaja on October 27, 1947 was accepted by Lord Mountbatten on the assurance that it should be settled by a reference to the people, Kashmir state was a disputed territory. The state's accession with Indain Union was, therefore, conditional and temperory and could only be settled in accordance with the wishes of the people of the state. The party leadership stressed that since the issue of Kashmir accession had never been referred to the people, the dispute stood unresolved.[24] The leadership further stressed as Pt. Nehru,

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the then Prime MInister of India, cabled a similar assurance to the British Prime Minister, the right of self-determination of the Kashmiri people was, therefore, recognised by both nationally and internationlly and even under the U.N.Security Council resolutions passed in March, 1948.[25]

As the party's first and foremost contention was to secure to the people of Kashmir their sacred right of self-determination, it was the comer stone of party ideology.[26] The party also belived in the ideology of consitutionalism, non-violence and peaceful operation as methods for the attainment of its objectives and aims. Its leadership had also a faith in the ideology of secularism and democracy.[27] While discording the role of religion in politics and stressing that there was no place for communalism in its politics and political programme, they declared that "communal hatred and disharmony is repugnant to its ideology". Moreover, the party never favoured the desintergration of the state.[28]

Another important ideological ingredient of the party was its belief in human rights and liberties.The party, therefore, strongly opposed oppressive laws such as Preventive Detention Act, The Enemy Agent Ordinance, The Defence Rules etc., which could be used on any pretext for curbing human liberties and civil rights of the people.[29]

In short the Plebiscite Front had secular ideology and believed in man's worth and advocated the cause of human rights and liberties. It stood for a political system based on justice, equality and liberty. It never approved any draconian sort of legislations which curbed human will and liberty.

Support base of the Party

The Plebiscite Front gained strength with the passage of time and became the most effevtive and influential party in the valley as well as in Muslim belt of Jammu region.[30] It genrally attracted the elements having affinity with the principle of Kashmir sub-nationlism represented by Sheikh Mohammad Abdullah, those having ideological affinity with the Two Nation Theory and were not prepared to sacrifice their religion and ideology at the altar of good relationship with India and who cherished the idea of independent Kashmir.[31]

The Front had made an attempt to infiltrate into the trade union sphere and managed to control the Silk Factory Workers Union, Boatmen's Union and the the Students Union such as Young Men's League.[32]

The Front had also supporting bases in some of the foreign countries

i.e., Kashmiri's settled in U.K., U.S.A., and in other countries. The party also got monetary as well as moral support from European and some middle eastern countries.

Strategy and Tactics

In order to mobilize the public opinion in support of its basic demand for right of self-determination, "The imparting of poltical education to the masses' was the common and overall strategy adopted by the Front."[34] The party, therefore, organised processions and public meetings in which its leadership demanded withdrawal of Indian army from the state and of the holding of plebiscite under United Nations auspices.[35] An under-ground war council was also set up to conduct the passive, non-violent movement. The demonstration by women marked a special feature of the movement for plebiscite. With a veiw to educating the masses politically, huge literature was published and distrubed at sacred religious places such as Daragah-i-Hazartbal etc., where the Front could find a readymade and easy audience for propagation of its aims, objectives and programmes.[36] The party organised strikes, hartals, street processions, demonstration and slogan shouting also.

Another strategy adopted by the Front was to prepare people for non-cooperation with the government of the state and the centre. The party tried to highlight the failures of the governments in various spheres and underrate the benefits to the people from various measures taken by the government to ameliorate their lot. In other words, the Front's endeavour was to underrate the state's links with India and to stress the importance of her links with Pakistan.[37]

The Front Electoral Performances

In the initial stage the Front condemned the contesting of Elections and criticised those who wanted to enter the election arena. But later on apprehending cracks in the party, it decided to contest elections to prove to the world how popular the party was in Kashmir. The party, therefore, decided to enter 1972 Election.[38] However, the nomiation papers of the Front candidates were rejected on the ground they were anti-national.[39] But a few candidates like Mizra Arif Beg, Mufti Mehraj Din and Aga Syed Afzal Jalali-enjoying the Front support contested the election. The party even extended its support to the cadidates of Jamat-e-Islaml.[40] But the massive victory of the Front candidates in the civic polls had given legitimacy to its stand.[41] The Plebiscite Front was hereby three months old when M.A. Beg— the President of the party alongwith several top leaders of the party were arrested on 19th November, 1955. In spite of

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this a two-day convention of the party workers was convened at Anantang in the last week of November, 1955 which was attended by more than fifty thousand people.[42] Several resolutions were passed urging the government of India to implement the U.N.O resolutions on Kashmir and to honour her solemn pledges of holding free and impartial plebiscite in Kashmir for the democratic settlement of the accession question.[43] Between 19th November, 1955 and 19th September, 1956, four presidents including M.A Beg of the party were arrested.[44] The party then decided to boycott the proceedings of the Kashmir Consembly. Thousands of telegrams were then sent to the President of the Consembly by the party to desist from Constitution making. The Front challenged the competence of the Consembly to frame the constitution on the plea that following the dismissal and the arrest of Sheikh Mohammed Abdullah as well as many of his colleagues, the Consembly had lost its representative character. As such, in their absence and in the absence of 25 members assigned to the territorial constituencies under the Pak–occupied Kashmir, no decsion regarding the future of the state and finality of the issues could be decided by it.[45] Protest meetings were held where the members of the party reiterated their faith in the right of self–determination. Although the party also boycotted the Assembly Election of 1957, yet it played an important role as an opposition from outside, The Front, however, became the party as was claimed earlier. There were regular contacts between the Plebiscite Front leadership and the Pak Agencies.[46] According to B.N Malik the incriminating letters were recovered from Mirza Afzal Beg. However, at the time of his arrest in 1956, he also asserted that a regular commnication was being maintained between the War Council of Pakistan and Plebiscite Front Leaders by means of couriers.[47]

The Front had very sagaciously chosen its strategy to internationalise Kashmir issue and to bring pressure upon the Government of India to concede its demand for plebiscite. Its leadership, therefore, appealed to conscience of the world statesmen, politicians and the heads of the Government for extending their supports to the demand of the Kashmiris for plebiscite as agreed to by the various resolutions of the Security Council.[48] Memoranda were submitted to the Commonwealth Prime Minister's Confrence held in London on September 9, 1962, the President of U.S.A. on his visit to India in 1959[49] and to Frank Graham, the special U.N. representative for Kashmir on his visit to Indian sub-continent in January, 1958 urging them to see that the Security Council resolution for plebiscite in Kashmir be implemented without further delay.[50] Similar appeals were made to the U.N. Secretary-General, The president of the

U.N.O. General Assembly and the Muslim Countries to help in the solution of the Kashmir dispute.[51]

The Holi Relic episode of 1963 provided another opportunity to the Plebiscite Front to further extend its influence in the valley. The party forged an alliance with the Awami Action Committee of Maulvi Farooq to give a lead to the people of the valley in such an hour of grave crisis. The honeymoon between the two parties, however, broke down after the recovery of the holy relic. The Awami Action Committee then stole Plebiscite thunder. It then could not claim to be the sole representative of the Muslims of the valley.[52]

Pakistan's failure to capture the state with the help of large scale infiltration in 1965, however, gave rise to extremism in the valley. The then newly emerging youth leaders accused the Plebiscite Front of inaction when Pakistan was trying to liberate Kashmir. On October 1, 1965 during meeting at Hazaratbal Shrine sevral students captured the dias and blamed the leadership of Front for being stooges of the Indian Govemment.[53]

However, after the historic Indira-Sheikh Accord of 1975, The J&K Plebiscite Front, was considered to be irrelevant and was, therefore, dissolved and the Party was then re-designated as The All J&K National Confrence.

Thus, the politics of the All Jammu and Kashmir Plebiscite Front right from its inception till 1975, when Sheikh Mohammad Abdullah assumed political power, seemed simply to be a protest movement. After 1975 till his death, Sheikh Mohd Abdullah simply harped on the tune of state autonomy and the issues of the state accession and the right of self–determination of the Kashmiris were relegated to the back ground. One may, therefore, conclude that the politics of Plebiscite was played simply for poltical bargaining and the bargain was astutely structured in the shape of Indira-Sheikh Accord 1975.[54]

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2

THE FRAMING OF THE JAMMU AND KASHMIR'S CONSTITUTION, 1957

As a constituent state of the Union of India, Kashmir has held the unique distinction of having its constitution drawn by its own Consembly. Based on the Instrument of Accession, the Kashmir's special status has since been crystallized in Article 370 of the Union Constitution. These circumstances have, thus, offered an opportunity for the study of Constitution making in the one and the only sub-system of the Indian political system as it has developed since indepedance.

An attempt has been made to analyse not merely the formation and features of a bare constitutional framework but also the politico-socio-economic forces which powerfully influenced the making and the final shape of the Kashmir polity. Transcending legal formalism and jargon, an effort has been made to perceive the entire scenario of the Consitution-making process as a part of the wider and more fundamental and pervasive nation building and the political developments which they have hidently and perhaps necessarily involved.

No society is static and immutable to laws of political development. The history of what now are called the developed societies of the west and elsewhere shows that they too have undergone a long evoluntionary course of changes which transformed them from a medieval phase into unified modernized nations with well-developed constitutional system. It is possible to view all societies as being an open-ended continuum, following the laws of politico-socio-economic development and almost invariably involving the growth of nationalism as a vital factor thereof. The phenomenon has gradually been extended to sevral countries of Asia, Africa and Laton America. The growth of the twin process of national awakening and nation-building have been more recently at work in the different societies of Asia and Africa which experienced a long spell of foreign rule.

A developing society such as India offers a typical case of Nation-building in a pluralistic background. This is considerably so in the various constituent units which comprise the country.

On a relatively micro-level, one may observe the pluralistic nature of the society in Jammu and Kashmir and its impact on the state's constitution and the particular relationship it has come to form with the Indian union. Here it seems relevant to point out that the nation-building which is increasingly facilitated and prompted by the various forces and factors of modernization and national integration, has in the very nature of the things, to contend with the divisive and conflicting diveristies prevalent in a pluralistic society. In this connection, the society in Jammu and Kashmir is a sort of miniature of the country as a whole. The pluralism, here, as elsewhere, lies principally in the multiplicity of religions, languages, races, regional or sub-regional cultures and ethnic make-up of the populaion. The state's strategic location and geographical factors have also impinged on its course of political and constitutional development. It may, therefore, be enough to stress that geographically, demographically, culturally, linguistically, racially and ethnically, the Kashmir state is not a homogeneous but heterogeneous unit. As a matter of fact it consists of three broad and disparate regions— Jammu, Kashmir valley and Ladakh. Historically through a process of political accretion and conquest these were lumped together by the early Dogra rulers and subjected, over the years, to some degree of political unification under centralised and autocratic rule.

The model implict in the present analysis on "*the framing of Jammu and Kashmir's Constitution*" is that of a society in transition, a transition from medieval towards a modern phase. Pluralism being a usual feature of a medieval society under change, our investigations confirm the presence of the pluralistic features and the change they are to experience on account of the process of transformation and modernization which have been at work for a fairly long time, and in so far as they relate to the constitutional development.

An important dimension of the political development which is an iintegral part of modernization is the growth of political insitutions. In Kashmir, during a century of the Dogra rule, there occurs the evolutions of the Executive, the Legislative and the Judicial organs of government on modern lines.

The withdrawal of the Brirish power from the sub-continent, the transfer of power and the partition of the country caused a further and an accelerated impetus to political development and the state rapidly moved, in a later phase, from autocracy to democracy. In the entire gamut of events and situations which have marked this movement the narrative or chronicle is not as important as the perspective of modernization in

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which it attains a lot meaningfulness of political development.

The idea of a popular Constituent Assembly for framing Kashmir's Constitution was first conceived by All Jammu and Kashmir National Confrence. The demand for consembly figured prominently at its Sopore convention of 1944. The Convention committed the party to the New Kashmir programme-Socio-economic plan for the formation of a truely socialistjc state in Kashmir–to be implemented under a democratic govemment. After independence, Sheikh Abdullah, highlighted it again in a resolution adopted by the party's convention held in 1948. Historically, the state's accession to the Indian Union, the Government of India's insistence on the Maharaja that he should entrust the administration to a popular leadership, the Maharaja's proclamation of March 5,1948, replacing the emergeny adminstration by the interim government with Sheikh Abdullah at the head, and the interim government's determination to set up a Consituent Assembly in the near future have had their respective factual significance. The proclamation by Yuvraj Karan Singh regarding convening a consembly made on April 30,1951, the resultant elections based on adult suffrage, opposition boycott and the first meeting of the consembly on October 31, 1951, at Srinagar are among other events of some significance to the constitutional history of Jammu and Kashmir. They are mentioned here simply to underput two significant intra-system and inter-system interactions, as they have had a considerable influence on the substances of the consitution as hammered into shape by the consembly. Firstly, on India's complaint to U.N.O. over Pak aggression in Kashmir, the international system came to have some thing to do with the consitutional development system in Kashmir. Some imperialistic powers had their eyes on this strategically important land. Secondly, nearer home and in Jammu region of the state, the Praja Parishad, a largely Hindu Communal party advocated the retention of the institution of the Maharaja as a Constitutional head of the state, closer ties between the state and India and the abrogation of Art. 370 conferring a special status on the state. It rejected, outrightly, a separate consembly for the state and the institution of Sadar-i-Riyasat. As the elections to the consembly were unopposed, there was a genral feeling of suspicion that the elections were unfair. Empirical investigations into the sociological background of the members of the consembly revealed certain significant facts. The analysis of the data has, however, shown that the Muslims formed the largest communal group represented in the consembly. From females were drawn only two women, and that too from Jammu province. Highest percentage of members had university degrees. There was some percentage who could simply read and write. The youth were more represented in consembly than any other age

group. In most cases political socialization had taken place between the age of 15 and 20 years. Most of the members thus had remained active in politics since 1931, when the seed for the stuggle for freedom was sown in the state. 30.77% members had been sentenced to jail for different political activities. The largest number of members had politics as their occupation and represented an annual income groups of below Rs. 5,000. The majority of the members had neither previous legislative, administrative nor local government experience.

However, empirical investigation revealed certain significant trends in the formation of the committees. The majority of the members pointed out that expert knowledge was the criterion for the nomination in committees, no limit was set as to the number of committees to which a member could be nominated and there was no substantial reasons for the exclusion of any member from any or all the committees.

Taking a comparative look at the state of affairs at the party level and leadership, as it was reflected in the day-to-day working of the consembly, following facts meet the eye of an observer:

(a) The National Conference was the state's most well organised and oldest party comparable in sdme way to the Indain National Congress.

(b) The party outrightly rejected the two-nation theory and gave a lead to the people to follow secularism, socialism and democracy; and

(c) The party was well organised, united and it stood solidly behind the leaders.

The absence of the opposition in the consembly further facilitated its smooth functioning and about a dozen leaders played an active role as the costitution makers. Until the crisis of 1953 the party stood solidly behind Sheikh Abdullah and his colleagues.

"Consitution-making in crisis and reconsitution of committees" may perhaps throws a meaningful light on certain basic issues and puts into bold relief some of the patterns and directions of the different forces on the final shape of the Kashmir Constitution. As a matter of fact, the instrument of government, which ultimately, emerged has been the cumulative result of interactions and polarization which developed and occurred as between certain concepts and forces within the state's own sub-system, and between it and the union political system.

The crisis was the result of the motivational variations arising out of

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varied political cosiderations and failure of the leadership at various levels to reconcile the various claims and aspirations.

One may discern behind all the political drama on the stage, a deep-seated *search for security on the part of the Dogra Nationalists and Kashmir Nationalists.*

As already pointed out that the popular sentiment in Jammu region, believing the Maharaja as the symbol of their security aganist the majority population of Kashmir region, sided with the Maharaja in his attempt to retain more and more powers in pre-independance period. It seemed to Dogra Nationalism that prospects of democracy would be nothing more than being exposed to the whims of a permanent majority of the state and its leadership. But after independance the people of Jammu region, believing their greater security to be with in Indian union, demanded full integration of the state with India and the abogation of Art. 370 under which the state secured special status.

The popular sentiment in Kashmir region, on the other hand, in order to have a greater security aganist the Maharaja's arbitrary authority struggled for the transfer of greater degree of power to the State Legislature (Praja Sabha) in pre-independance period. They perceived their security only in democracy which among other attributes, means majority rule. But in post-independence period due to their minority against Indian majority, Kashmiri Nationalists wanted maximum autonomy and stood for limited accession of the state with the Indain union, thus making Art. 370 as a permanent feature of the Indian Constitution.

As said earlier the attitudes of the Dogra Nationalism as well as some national level parties had led to polarizing effect on the autonomists and secessionists in the valley. Sheikh Abdullah's effort all along had been to rally the entire population of the state to a sense of a basic unity and to work for the cause of building the New Kashmir. All along he tried to aviod the disintegration of the state. In order to accommodate the wishes of the masses of the different regional and cultural units, he and his colleagues were working to create a "Republic within the Republic." He had been unduly blamed for the tone and contents of his main speeches delivered in 1952 and in 1953 shortly before his dismissal and arrest.

The change in the leadership necessitated the reconstitution of some of the special committees in the Constituent Assembly. Empirical investigations into the sociological background of the members of the reconstituted committees revealed certain significant facts. The tendency was to overrepresent majority and under-represent minority groups. From

females were drawn only two members and that too from Jammu region. The highest percentage of the members of the committees were educated. As the major work of constitution framing is usually done in the committees, the law-graduate, therefore, formed a single major in the committees, the law graduate, therefore, formed a single major group in the Committees. Most of the members had remained active in politics since 1931. Sufficient representation was given to those who had taken part in the struggle for freedom in Kashmir. As Kashmir is principally an agricultral area, the largest number of the members of the Committes had agriculture as their profession. The largest number of the member of the Committees representation an annual income group below Rs. 5,000. Majority of the members of the Committees had neither previous legislative, administration nor local government's experince.

Empirical investigations reveal certain facts about the working of the Committees of the consembly. Seventy percent of the members were of the opinion that the decisions in the Committee meetings were arrived at after free and frank discussions. Forty-five percent of the members were of the veiw that the decisions were not made outside the Committess. But forty-two and half percent did not agree. They were of the veiw that decisions were made outside the Committees and the Committees simply confirmed them. The majority of members who replied in affirmative were of the view that the decisions were made up by two or three important party leaders. All amendments but one came from the govemment and the fate of one amendment was not clear from the records. This offers an opportunity for finding the role perception of the members. It appears that most of them were not aware of the role they were called upon to play and had hardly any perception thereof. Thorough going leadership was provided by two or three top elite leaders and others almost dittoed their decision. Want of a clear percepation of their role facilitated floor crossing on the part of members towards support of Bakshi Ghulam Mohd. notwithstanding that they were with the Sheikh before August 1953. In response to the query as to how many draft constitutions other than the final draft were presented to the drafting committee, one-third of the members of the drafting Committee reported that there were two drafts. The overwhelming majority of other members of the Consembly, who responded to this query and who had not been the members of the drafting committee, mentioned that there was only one draft.

While the top leadership was keen to project a secularist, socialist and democratic perspective in the debates of the Consembly, some of the members appeared to be dominated by the communal and caste thinking. Harijan members strongly sponsored some kind of safeguards for the reservation and promotion of the interset of Scheduled Castes.

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The Sikh members, who belong to a microscopic minority in the state were likewise keen to promote safeguards for the intersets of their community. Some members representing backward areas wanted safeguards and reservations for the inhabitants of their areas in civil services. Out of the two female members, only one advocated occasionally the case of women whom she regarded more backward than menfolk.

All amendments, except one, which were adopted at the end of the discussion thereon had been sponsored and moved by Ministers.

Very few members happened to articulate on the floor of the consembly. An overwhelming majority remained silent but they voted when the occasion so demanded.

Some of the members were not at all serious as they were either absent at the time when the amendments sponsored by them were to be taken up for discussion or even though present, they dropped their moves. Most of the amendments were withdrawn after a brief discussion. In some cases the mover withdrew the amendment without giving any reason thereof.

In response to the query on the role and influence the Government of India had on the framing of the Constitution, about half of the members refused to reply. 20% were of the view that there were consultations only. Similarly 40% of the members refused to reply to the query whether there was any Indian political party or parties at national or state level which influeneced the Constitution making. 22.50% of the members replied in negative. 30% of the members were of the view that it was the result of the action and interaction of internal and external influences. 10% were of the view that it was the result of outside influence. Whereas 42.50% of the members refused to reply.

"Evolution of the Constitution as Framed by the Consembly" provides comprehensive view of the different important aspects of the constitution framed by the consembly. As a legal document, the framing of the Jammu and Kashmir's constitution formally began in October 1951 and ended in November 1956.

As we are inching our way to the tail of the conclusion, it seems necessary to reiterate what has been discussed as the four phases in the evolution of the policy of Constitution making in Jammu and Kashmir and finally to have an Instrument of accession and article 370 of the Consitution.

The first phase started with the state's accession to Indian union, way back in October 1947 and terminated with the Sheikh's dismissal

as prime minister and arrest in 1953. The cheif actor who held the stage during this period was no other than Sheikh Abdullah who had ever symbolized Kashmiri nationalism and the urge to keep Kashmir autonomous throughout the state's recent history. The constitution making and the thinking involved in the process was motivated by the quest to recognise and give a separate distinctive Constitutional personality to the state of Jammu and Kashmir. The aspirants of Kashmiri nationalism came to be spelt out in Art, 370 of the Indain Constitution, the Delhi Agreement of 1952, adoptation of elected head of the state known as Sadar-i-Riyasat, the desire to have a separate flag, separate emblem and the desire to concede autonomy to the major and distinct territorial and cultural units of the state, conceiving the idea of creating a "Republic within a Republic". In this phase, the stress and focus of attention remained constantly on the state's greater autonomous position within the Indian fedral polity. It may be proper to point out that although the erstwhile Maharaja of the state and the Kashmiri leader Sheikh Abdullah happened to be on the opposite side of the Kashmir drama, yet it is an irony of fate and circumstances that each had a firm stand on the question of maximum possible autonomy for the state. The Maharaja recognised the heterogenous composition of the state's demography and its peculiar position vis-a-vis India and Pakistan. His govemment tried to enter into standstill agreement with the two new dominions but the tribal invasion compelled him to bring about the stata's accession to Indian union, surrendering only the three subjects of defence, foreign affairs and communication. Sheikh Abdullah, in his turn, boldly rejected the two-nation theory upon which Pakistan was granted by the outgoing British power. He deputed Mr. G.m. Sadiq to Lahore to persuade the Pak leaders to accept Kashmiri's special position. But mission failed. He, therefore, endorsed the state's accession with the Indian union as it was a multi-lingual, milti-cultural, multi-religious and multi-national country and subscribed to the concept of a secular and composite nationalism. He has ever since stuck firmly to the special status of the state in the Indain union and never favoured to go beyond the instrument of accession. Since history cast different roles on the Maharaja and Sheikh, it is conveniently concluded that both, in their own way, were the adherents to the state's special autonomy in the new federal set-up that was then emerging.

The philosophy which lay largely behind the conception of a new Constitution of Kashmir, during this phase, was a kind of an amalgam of values of the Westem liberal traditions and socialism slightly titled in the Marxist direction. The opening address of Sheikh Abdullah graphically stressed the values of rule of law, of democracy and at the same time

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asserted the need for economic democracy. The symbol of plough in the flag stands for the key position of the tillers of the soil, the red colour of the flag has an incidental colour resemblance to the Communist flag, and land to the tiller without compensation to the expropriated landlords were among some small indications of the title in the Marxist direction. Even the desire to give autonomy to the state's distinct cultural units was reminiscent of the soviet traditions in this respect. But the overall fact remained that the state Consembly was primarily projecting a philosophy of democratic socialism

As there was formal absence of opposition in consembly, the oppostion was, therefore, voiced from outside.

In the wake of the constitutional crisis the aspirations of the larger part of the people in the valley concentrated on having larger autonomy in the state's relationship with the Indian union. The secceccionists and the integrationist treaded on two extreme paths. In the result, the effort of the Kashmiri leadership was to rally and placate the diverse elements in the state to an endorement of the larger state autonomy. The Kashmiri leadership heard the slogans of the Jammu integrationists and wanted to assure the people in the valley that larger autonomy of the state would not be sacrificed at any cost and they were ready to have a constitutional set-up in which all major cultural units could have a larger measure of intemal autonomy.

In the second phase which comprises approximately, a decade of Bakshi Ghulam Mohd's. Premiership (1953-63) the Kashmiri leadership tended to move from larger autonomy to limited autonomy. To realise this in concrete terms, it embarked upon a cautious and partial integration beyond the position already reached up to the time of the dismissal of Shiekh Abdullah.

The will to chisel a distinctive constitutional personality of the state became flabby. The Constitution took incresingly the shape of carbon copy of the Indian Constitution with certain separate features to accommodate the political culture of Kashmir and local sentiments.

Some pro-Abdullah MLA's, unless they happened to be in prisons, played a limited role of opposition in the discussion relating to the Constitution then in the making.

The third phase mainly occupied Mr. Sadiq's years as Chief Minister beginning early in 1964 down to his death in December 1971. For reasons already enunciated, Mr. Sadiq thought the time ripe for a progressive integration of the state with the union and many steps, including the

extension of some of the beneficial union laws at the request of the state government were taken in the direction. At a later stage, he was shrewd enough to realise that he was losing his popularity with the people in the valley largely on account of the progressive integration he had embarked upon, the alienation of some due to the reaction of the autonomists and, of course, of the secessionists. Shortly after, he took in hand a policy of liberalization vis-a-vis parties and placation of Shiekh Abdullah and his followers in an effort to rally the general support to his administration. The fourth phase commenced when the mantle of the leadership fell on Syed Mir Qasim on the death of Sadiq in December 1971. Syed Mir Qasim, before he bacame the Chief Minister was an untiring critic of the policy of libralisation although he said little against the progressive integration. However once in office as Chief Minister, he went further than Sadiq and offered to vacate his office in favour of a come-back on the part of the Sheikh, following the Indira-Shiekh Delhi accord after protracted and prolonged negotiations by the emissaries of the two leaders. The accord stressed the basic element of the autonomy of the state, and the finality of Art. 370 of the Union Constitution. Sheikh had made no secret of the fact that he wanted the perpetual retention of the special status of the state in the Indian Union. In the general election to the Legislative Assembly held in 1977, he led the National Conference to overwhelming electoral victory. The party has made it admittedly clear that Art. 370 is an irrevocable provision on which rests the state's relationship with the Indian Union.

Assurances have been publicly given by the Prime Minister and Foreign Minister on behalf of the Janata government at the Centre that the government have absolutely no intention of deleting or in any way modifying the article unless the state government itself, as representing the people of the state, requests it to do so. In any case, with the return of Sheikh to state politics, the wheel seems to have gone full circle and we appear to be back to the policy of the first phase i.e to the urge for the largest possible state autonomy, stressing the finality of the accession and the special status of the state as provided under Art. 370 of the Constitution of India and reflected further in the Indo-Kashmir Agreement of 1952 as well as in the Indira-Sheikh Delhi Accord of 1975.

More recently, stress is being placed on the state autonomy by different states of the union,[1] including Kashmir. If necessary, Article 370 may be made to act as a wall of demarcation of the powers of the centre and the state. The fact that concurrence of the state govemment is a condition precendent to the extension of the centre's field to the stste beyond the three subjects surrendered to the centre in the

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Instrument of the State's accession, it is a sound democratic basis of the state's partnership in the Indian federal set-up.

It is on the sheet anchor of this special relationship that the state's consembly modelled the Constitution for which it was brought into existence way back in 1951. However, we may perhaps be justified in concluding this analysis with the age old statement that the Constitution-making is an unceasing and continuous process, being co-extensive with a society under steady development and change.

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3

KASHMIRn6 CONSTITUTIONAL RELATIIONSHIP WITH THE CENTRE IN ITS TRUE PSYCO-POLITICO-HISTORICAL PERSPECTIVES

In the lap of the Himalayas lies the world famous Valley of Kashmir, surrounded by mountains where the frisking cascades, bubbling springs, sprawling verdant fields and saffombelts have remained unchanged despite invasions of the Moguls, Tratar, Huns, Pathans, Sikhs and others.

Kashmir whose borders touch Pakistan, India, Afganistan, Russia and China has enthralled poets, emperors, warriors, sages and saints by its talismanic charms which nature has bestowed on it in abundance.

It is not only because of art and culture, natural beauty and panoramic landscapes that Kashmir is famous in the world but it is well-known because of its geographical, military and political importance in this whole region, particularly in the sub-continent. With all this, its civilization, history and unique style of the people's living have been its greatness. And people of the region have, from the very inception, remained desirous of maintaining their individuality and freedom. Whenever any foreign aggressor, after crossing its gorgeos ravines and mountain passes, tried to subjugate her people, the cross-section of the Valley's citizens did not lay their arms easily.

The withdrawal of the British power from the Indian sub-continent, transfer of the powers and the partition of the country had created a set of new circumstances and situation. The state of Jammu and Kashmir ultimately acceded to the Indian Union. The offer of the accession was made by the Maharaja and supported by the leadership of the All J&K National Conference.

The story of accession of Jammu and Kashmir state to the Indian Dominion itself was, however, a dramatic convergence of conflicting aims and motivations of the then main actors of the drama[1]— The Maharaja of Kashmir, the All Jammu and Kashmir National Conference leadership,

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India and Pakistan. The Maharaja wanted to protect his kingdom as well as his own position as a ruler of the state. The National Conference leadership, on the other hand, wanted the acceptence of the principle of popular sovereignity before terms of relationship with either of the dominion could be negotiated. India was receptive to their demand[2] but the Pak leadership had its own apprehensions because of the then existing fraternal relations between National Conference and Indian National Congress. Meanwhile, Mr. G. M. Sadiq mission to Lahore proved to be a complete failure.[3] As Pak leadership suspected some sort of conspiracy, the armed aggression was thought of to be the only feasible course of action.[4] All this precipitated accession of the state to India. But this could only be finalized when Maharaja expressed his willingness to appoint Sheikh Mohd Abdullah as the head of the emergency administration.[5]

However, Jammu and Kashmir state, which is an integral part of Indian Union, enjoys a special status by virtue of Art. 370 of the Indian Constitution. But the Kashmir's constitutional relations with the Union of India is still an incomplete story of adjustment of respective sphere of power between federal polity and a constituent unit. It actually reveals the hazards of National building in the developing world where religion, language, race and culture, geographical factors and uneven political developments create strains and stresses in the adjustment of relations.[6]

The process of integration and constitutional adjustment, which had been adopted in regard to the other Indian States was not at all followed in the case of Kashmir. The Constitutional relationship between state and central govt. continued to be governed by the provision of the Kashmiri's instrument of Accession of 26th Oct. 1947. When the constitution of India was being completed, it was deemed necessary to make provisions in Indian Constitution regarding the status of Kashmir state. Certain broad principles were agreed upon by the centre and state leadership in a meeting held in Delhi in May, 1949. the broad principles agreed upon by the rwo sides, on which the constitutional position of the state in the future constitutional structure of India, was to be based were[7]:

1. The Constitution of the state would be framed by a Constituent Assembly representing the people of the state;
2. the future of the dynastic rule of the Dogras would be determined by the Constituent Assembly of the state;
3. The division of powers between govt. of India and the state would be governed by the provisions of Instrument of Accession;

4. The Constituent Assembly of State would be empowered to determine what other powers would be transferred to the government of India;
5. Provisions with regard to Citizenship, Fundamental Rights and the Directive principles of State policy, envisaged by the Constitution of india would be discussed; and
6. The operational and the administrative control of the state armies would be taken over by the govt. of India.

As already said that the position crystallized finally, when the special provision 306-A drafted to be placed before the Consembly of India.[8] The National Conference sent an alternative draft suggesting that "The provisions of the Constitution shall apply to Jammu and Kashmir only in regard to the acceeded subjects and that the Dominion Parliament shall be entitled to legislate with regard to state only in respect of these".[9] The Indian draft Act was, however, revised three times just to accommodate the view pionts of both the parties.[10] The first revision dropped the provisions relating to Fundamental Rights and Directive principles of State policy.[11] The second revision omitted provisions dealing with citizenship.[12] The third revision modified the explanations as to what the state government would mean.[13] The provisions giving a special status to the Kashmir state, therefore, were finally embodied in the Art.370 of the Indian Constitution. It was a step to fulfil the long cherished desire of Kashmir leaders with regard to state autonomy by limiting the powers of Union President and Parliament. Thus only Art.1 and 370 of the Indian Constitution were to apply to Kashmir.

I may once again point out that during the first phase of the democratic rule in the state, which started with the state's accession to Indian union way back in Oct. 1947 and terminated with the Sheikh's dismissal and arrest in August 1953, the National Conference leadership demanded concessions and maximum autonomy in order to protect their separate Kashmiri Nationalism.[14] Such a move was aganist the demand of the integrationist group particularly in jammu region which was agitating for full integration of the state with the Indian Union. The attempts were also made to build such a structure which would meet the demands of both the groups— the autonomists and integrationists. Thus Delhi Agreement of July 1952 was signed between the state and centre leaders to build a structure of the constitutional relationship between Kashmir and the centre. But building structure (i.e. Art. 370 and Delhi Agreement 1952) was more in favour of state autonomy. And some of the Controversial issues, jurisdiction of Supreme Court, functional integration,

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Election Commissioner, Comptroller Auditor General and Emergency Powers of the President left for further discussion. But when this model was put to practical tests, it cracked because of the motivational differences arising from the political considerations and failure of the leadership at various levels to reconcile the various claims and aspirations.[15] The result was the crisis of 1953.

As said earlier that in the wake of the constitutional crisis the aspirations of the larger part of the people in the valley concentrated on having larger autonomy in the State's relationship with the Indian Union. The secessionists and the integrationists treaded on two extreme paths. With the result, the effort of the Kashmiri leadership was to rally and placate the diverse elements, in the State to an endorsement of the larger state autonomy. The Kashmiri leadership heard the slogans of the Jammu integrations and wanted to assure the people in the valley that larger autonomy of the state would not be sacrificed at any cost and they were ready have a constitutional set-up in which all major cultural units could have a larger measure of internal autonomy.[16]

Once again I may say that in the second phase which comprises approximately, a decade of Bakshi Ghulam Mohd's premiership (1953-63) the Kashmiri leadership tended to move from larger autonomy to limited autonomy to stabilise its constitutional relationship with Indian union. To realise this in concrete terms, the then Kashmir leaders, embarked upon a cautions and partial integration beyond the position already reached upon till the time of the dismissal of Sheikh Abdullah.[17] The Kashmir constitutions was finally enacted in Nov. 1956 and enforced on 26th January, 1957 by giving effect to this policy.[18]

As already discussed that the will to chisel a distinctive constitutional personality of the State became flabby. The Consitution took increasingly the shape of a carbon copy of the Indian Constitution with certain separate features to accommodate the political culture of Kashmir and local sentiments.[19] But complete stability was not achieved even after all this.[20]

It may again be pointed out that the third phase mainly related to Mr. Sadiq's years as Chief Minister beginning early in 1964 and down to his death in December, 1971. For certain reasons Mr. Sadiq thought the time ripe for a progressive integration of the state with Union and many steps, including the extension of some of the beneficial union laws at the request of the state government, were taken in this direction. At a later stage, he was shrewd enough to realise that he was losing his popularity with the people in the valley largely on account of the progressive integration he had embarked upon. The alienation of some

was due to the reaction of the autonomists and of course, of the secessionists. Shortly after, he took in hand a policy of liberalization vis-a-vis parties and placation of Sheikh Abdullah and his followers in an effort to rally the general support to his administration.[21]

It may again be pointed out that the fourth phase commenced when the mantle of the leadership fell on Syed Mir Qaism on the death of Sadiq in December,1971. Syed Mir Qasim, before he became the Chief Minister was an untiring critic of the policy of liberalization although he said little against the progressive integration. However once in office as Chief Minister, he went further than Sadiq and offered to vacate his office in favour of a come-back on the part of the Sheikh, following the Indira–Sheikh Delhi Accord after protracted and prolonged negotiations by the emissaries of the two leaders. The accord stressed the basic element of the autonomy of the state, and the finality of Art. 370 of the union Constitution. Sheikh had made no secret of the fact that he wanted the perpetual retention of the special status of the state in the Indian Union. The accord, therefore, once again entrenched the Kashmir special status within the Indian Union and prepared the way for Sheikh's return to the constitutional position. Sheikh once again urged for the largest possible state autonomy, stressing the finality of the accession and the special status of the state as provided under Art.370 of the Constitution of India and reflected further in the Indo-Kashmir Agreement of 1952 as well as in the Indra–Sheikh Accord of 1975.[22]

Dr. Farooq Abdullah, the present Chief Minister, more or less, seems to follow the policy of his father so far as centre-state relations are concerned.

A look at the working of Jammu and Kashmir state's relations with the Indian dominion makes a clean sweep of the lurking fear in the mind of some political parties and readers that its special status may prove dangerous for the national integrity and solidarity. Aritcle I of the Indian Constitution applicable to the state without any modification is an assurance in this direction. The conception that incorporation of article 370 may create a 'Republic within a Republic' is not correct. It is a constitutional guarantee and a psychological satisfaction for Kashmiris and Kashmiri leaders. The reality is that Jammu and Kashmir state is also subject to the same pulls and pressures to which other indian states are. It is believed (*e.g.* by BJP and few others) that urge for autonomy will spell the disintegration of India and that other states will also press for autonomy. But there is alredy a trend going on in the states to ask for more and more autonomy for themselves (*e.g.* by Tamil Nadu, Assam, West Bengal, Punjab Akalis, etc. etc.). The trend may

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be described as from universalism to that of particularism or from a unitarian pattern of federalism to pluralistic pattern of federalism.

In case of Jammu and Kashmir state, the circumstances were more special and difficult and the aspiration for more autonomy within the frame-work of the Indian political system is not altogether singular and unique. A look at the speeches made by the members in the Indian Constitution Assembly makes it clear that there were states and communities which have reservations about the strong centre and mode of appointment of Governor and his discretionary powers. For example, relatively backward states like Assam and Orissa were in favour of weak centre. As opposed to this, Madras was in favour of a strong centre. States, where Muslims were in a minority favoured strong centre whereas the Sikhs who constituted a minority in the country as a whole but a sizable number in Punjab were in favour of weak centre. Similarly, the members of the Brahmin caste were more favourable to a highly centrallized federation than the members of other castes.

So Jammu and Kashmir state is not the only exception. It is, otherwise different. The quantum of difference may be unique, but there is no principle of difference. There is a tacit but a mistaken assumption of uniformity in the status of all the constituent units of the Indian Union. A close examination of the Indian Constitution will reveal that this assumption is mistaken or at least exaggerated, and the asseration made so often that fathers of our constitution were almost unanimous in establishing a strong centre is not correct.

There are special provisions governing certain groups of people such as minorities of certain areas. The fifth schedule for example provides differential treatment for scheduled tribes and special dispensation for the administration and control of scheduled areas. Some of these provisions have the effect of diminishing the powers of the state government under whose territorial jurisdiction these areas fall. The sixth schedule again provides for another set of special considerations to govern the administration of tribal areas of Arunchal, Meghalaya and mizoram. There are still other special provisions governing Assam and Nagaland.

The so-called Kashmir problem was, and is, in fact, involved into an issue for "more autonomy". The demand for autonomy and retention of Art.370 mainly come from the valley because Kashmiris have not yet developed the psychological feeling of integrative indentification with India which is very much there in case of other Indian races. Kashmiris and their leaders are looking at Art.370 as a permanent guarantee for the

preservation of their own nationalism.

More recently, stress is being placed on the state autonomy by different states of the Union, including Kashmir. If necessary, article 370 may be made to act as a wall of demarcation of the powers of the centre and the state. The fact that concurrence of the state government is a condition precedent to the extension of the centre's field to the state beyond the three subjects surrendered to the centre in the Instrument of the State's Accession. India is a sound democratic basis of the state's partnership in the federal setup.

I may conclude that the working of centre-state relations in India shows that to have a uniform pattern of relation is not a must for working of federalism. India being a plural and politically uneven society the centre state relations have to be of a varying nature. Throughout the constitutional development there was an attempt in the direction of uniformity. But complete uniformity and stability were not possible because of the dynamic nature of the society and tensions between the centre and the states are not peculiar to any particular political system. They have existed in all federal states. The federal political system established in the developing areas have not always proved stable and successful. Some have disintegrated, others have been converted into a unitary political union. The federal solution has not been always accepted as the appropriate one to begin with. In Gyahana, Ceylon, Sudan and Belgian Congs, despite the urgent advocacy of federal political structure by certain groups, unitary government was chosen right at the outset. Revolt by East Bengal against Pakistan and the secession of singapore from Malaysian federation are the two cases near at home. In India too centre-state relations are subject to tensions and revisions especially in case od J&K state. But the demand for greater and greater state autonomy here has amounted neither to revolt nor to secession from the Indian federation. This is due to the skilful administration and the long sighted political acumen of the leaders and rulers concerned. Demands are being proportionately made and responded in order to maintain the equilibrium.

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4

PERMANENT RESIDENTS OF JAMMU & KASHMIR STATE AND THEIR FUNDAMENTAL RIGHTS

"Fundamental Rights are the, modern name for what have been traditionally known as 'natural rights'. They are moral rights which every human being everywhere at all times ought to have simply because of the fact that in contradictions with other things, he is rational and moral. They are the primordial rights necessary for the development of human personality. They are the rights which enable a man to chalk out his own life in the manner he likes best."

–Subha Rao, C.J. in Golaknath case[1]

Human history records various instances of conflicts between the governed and the government. It also records that gradually the governed asserted themself aganist the government and established their rights to freedom and liberty. The Magna Carta(1215) was the first such triumph of the people over the King in the English history.[2]

But the first expression of the popular movements in Kashmir took the form of resentment against outsiders who were controlling all the ministerial services and enjoying numerous other privileges. A movement 'Kashmir for Kashmiris' was first started during Maharaja Pratap Singh's rule and it grew stronger with time. Several Committees and Commissions[3] were appointed to deal with the problem.[4] This had first led to enactment of laws providing preference to "MULKIS" over the outsiders in the state services[5] then the adoption of the State-Subject definition rules of 1912[6] and ultimately the State Subject rules of 1927.[7]

The new interpretation to the term State-Subject satisfied only a handful of middle class youngmen who saw in the definition as opportunity to obtain the favour of the government. The masses... the peasantry..... remained untouched. Much hue and cry was raised against the definition of State-Subject. Even Sir, B.J. Glancy agreed with a section of opinion which condemmed the definition on the ground that even "domicile in the

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state for a thousand years cannot, according to this definition, qualify a man to become a hereditary state subject".[8] So the discontentment remained a smouldering fire and consequently took the form of a number of gigantic movements in Kashmir till it finally acceeded to the Union of India in October,1947.[9]

Because of its peculair circumstances, the fathers of the Constitution of India enacted special provisions relating to the State of Jammu & Kashmir which implicity recognised right of the State to accord his preference to the permanent residents.[10] The Citizenship laws of India thus, did not, apply to the State.[11] The State Subject Notification No. 1-L/84 of 1927 was, therefore, the Law of the Citizenship of the state.

The Constitution (Application to Jammu and Kashmir) order 1950 did[12] not make any change in this respect. Even the entry 17 of the Union List was modified to read only naturalisation and aliens' in its application to Jammu & Kashmir.[13]

The Delhi Agreement of 1952, however, accepted that "the State legislature would be given power to define and regulate the rights and privileges of its permanent residents of the State specially in regard to acquisition of immovable property, appointments to services in the State and like matters."[14]

After the ratification of State's accession with India in 1954[15], negotiations were held between the representatives of the two governments and a compromise was reached.[16] The Government of India, therefore, agreed that the permanent residents of the State could have special rights but they were to have the common Indian citizenship and it was further agreed to substitute the term 'permanent residents' for the term 'state subject' as defined in the Notification No.1-L/84 of 1927.[17]

Thus by Section 2(3) of the Constitution (Application to Jammu & Kashmir) Order 1954, Part II of the Union Constitution was made applicable to the state from the 26th day of January, 1954.[18] Moreover, the State Legislature would have the power to make special provisions for the 'permanent residents', so the Legislature in 1954, by inserting Sections 5A to 5F[19] in the Constitution Act 1939 made provision in this respect. These regulations remained in existence till the enforcement of the Kashmir Constitution of 1957.

Part III of Constitution of Jammu & Kashmir deals with the 'permanent residents'.[20] the provisions by and large are the same as of Section 5A to 5F of the Constitution Act of 1939 and it abolished the laws of separate citizenship.[21]

The Constitution left the door open for the subsequent return and settlement in the State of those of its state subjects who migrated after the first day March, 1947, to the territory subsequently comprising Pakistan.[22] This could be done under a permit for settlement or for permanent return to be issued by the competent authority under the State Legislation. The Constitution expressly leaves to the legislature the power to make any law defining the classes of persons who are or shall be 'permanent residents' of the State.[23]

However, a fundamental right is a legally enforceable right of an individual available against the State. It does not mean merely a right of liberty permissible under the law but also right of liberty which enables an individual to develop his personality and his faculties and to live his life in his own interests and in the interest of the community as a whole.[24]

The Delhi Agreement of 1952 provided that the fundamental rights, which were contained in the Union Constitution could not be conferred on the residents of the Kashmir State in their entirety.[25] The justification for introducing certain modifications of the fundamental rights as contained in Part III of the Indian Constitution to the Kashmir State was admitted[26] in veiw of :

(a) Socio-politico-economic nature of the freedom movement as reflected in the New Kashmir, and

(b) The decision of the Kashmir consembly not to award compensation to the expropriated landlords justified on the principle of land to the tillers.

The Constitution (Application to Jammu and Kashmir) Order, 1954, vide Sec.2 (4) made by the President under Art, 370, therefore, extended the provisions of Part III of the Indian Constitution to the State with modifications.[27] Later on Section 10 of the Constitution of the Jammu & Kashmir promulgated on 26th January, 1957, stipulated:

"The permanent residents of the state shall have all the rights guaranteed to them under the Constitution of india."[28]

The Kashmir Constitution thus, apart from the special rights and privileges of the permanent residents of the State but subject to certain important qualifications and modifications.[29]

Some of the important modification of fundamental rights as applicable to the permanent residents of the State are discussed here.

The provision of the "Right to Equality" shall be applicable to the state with the modification that Clause (4) of Article 15, the reference to

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Schedule Tribes be omitted and in Clause (3) of Article 16 the references to the State shall be considered as not including a reference to the State of Jammu and Kasshmir.[30] The applications of 'Right of freedom' to the State is subject to two limitations. Firstly the right to freedom of assembly, association, movement, residence and of property(i.e., Sub-Clause (b) of Art. 19(1) are subjected to the additional limitation according to which the state legislature is empowered to impose restrictions on these freedoms in the "intersets of the security of the state".[31] The Legislature of the state, is, thus, empowered to determine the circumstances and compulsions which may warrant the imposition of additional restrictions occurring in Clauses (2)–(5) shall be construed as meaning" such restrictions as the State Legislature deems reasonable.[32] Briefly : "as extended to the State reasonable restriction on the right conferred by Art. 19 means 'such restrictions' as the State Legislature deems reasonable and not the court as in the rest of the country."[33]

These limitations are transitory in character and under the Constitution (Application to Jammu and Kashmir) Order 1954, were meant for five years. But successively orders have had their life extended till 1970.[34] The fundamental freedoms in the State, therefore, were thus, at the mercy of the wishes and whims of State Legislature as they are not open to judicial review.

The provision relating to protection in respect of conviction for offence (Art.20) and protection of life and personal liberty (Art. 21) shall fully apply to the State.[35]

So far as application of the provision of protection against arrest and detention in certain cases in Kashmir is concerned, "in clauses (4) and (7) of Art.22, for the word 'parliament' the word 'Legislature of the State' shall be substituted." [36]

Thus Art. 22 "relating to the preventive detention will apply except that the power of the State with Legislature instead of Parliament, and the existing law of the State with respect to preventive detention shall continue to be in force until repealed or amended by the Legislature, which shall have sole legislative power with repect to preventive detention."[37] It is applicable to the state with another restrictive rider by way of new Clause (c) to Art. 35 which exempts State laws on preventive detention, past or future, from challenge on the ground of violation of Art.22.[38] The presidential order 1954 was made for period of five years, but it has been extended repeatedly, the last time in 1974 for the ensuing five years.[39]

The provisions relating to "right against exploitation' and 'freedom of religion' shall fully apply to State.[40]

The provisions of the 'right of property' as envisaged by the Constitution of India, are applicable to the State with certain variations and modifications. Firstly, the State Legislature is vested with un-retricted power to undertake legislation providing for acquisition of property, the mode and manner of the payment of the compensatory amounts, the acquisition of landed estates, extinguishment and modification of interests in corporations and mining and mineral products, without having to reserve such legislation for the assent of the President.[41] The legislature is also vested with a wide authority to undertake legislation to implement the directive principles of the State Policy envisaged by the Constitution of the State. No such legislation is required to be reserved for the consideration of the President.[42] Secondly, 'estates' has been defined in its applicable to the State, as the land which is occupied or has been let for agricultural purposes or for the purpose subservient to agriculture or for pastures and which include:

(i) buliding sites and other structures on such land;

(ii) trees standing on such land;

(iii) forest land wooded waste;

(iv) areas under field of floating over water;

(v) sites for 'Jandars' and 'gharat'

(vi) Jagirs, inams, manufis, mukararies and other similar grants, excluding buliding sites near towns or villages and land reserved for municipality, notified areas or town planning.[43]

So far as the application of the provision for the 'Constitutional Remedies' in the State is concerned, the Parliament is not vested with the right to empower any other court to excercise jurisdiction in regard to fundamental rights.[44] Instead a special Clause is appended to art.32 of the Indian Constitution and the High Court of the State is empowered to issue order and writs for the enforcement of these rights.[45] The diffemce is that, whereas the High Court of the other States are vested with the power to enforce right under Art. 226 of the Indian Constitution,[46] the Kashmir High Court enjoys the jurisdiction under Art. 32 of the Constitution. The reason is technical rather than substantial. The State Government is organised under the Constitution of the State and the High Court of the State is a part of a separate constitutional framework.

Thus Supreme Court and the State High Court shall have the power

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to issue writs or orders for the purposes of the enforcement of fundamental rights.[47]

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2. Trimbak Krishna Tope : *The Constitution of India (*Bombay, Popular Parkashan, 1971), p. 34.
3. *Report of the Committe appointed to define the term state subjet,* Jammu & Kashmir Govt., Year Unknown, Jammu, pp. (preface).

   The following Committee & Commissions were appointed to deal with the matters :

   (i) A Committee consisting of Chief Minister, Home Minister, Revenue Minister, Judge of High Court And and Chief Judge of Jammu was appointed in December,1910.

   (ii) Another Committee consisting of Minister, the Judge of High Court, the Governor of Kashmir and Military Secretary to his Highness was appointed by His Highness on 27th June,1914.

   (iii) A ten member (both the officials and non-officails) Committee was constitued in may, 1922.
4. *Kashmir,* issued by General Secretary, All india State People Confrence (Bombay, January,1939), p. 6.
5. *Report of the Committee appointed to define the term state subject,* op. cit. p. 2.
6. *Report of the Committee appointed to define the term state subject,* Annexure A, pp.IV & pp. op. cit.

   The definition of State subject is as follows :

   "1. All bonafide subjects of His Highness the maharaja Sahib Bahadur.

   2. All persons who have tendered a duly excueted Rayatanama and have acquired immoveable property within the said territory.

   3. All persons who have resided within the state territories for an unlimited time.

   4. The descendants of the persons mentioned in foegoing Clauses.

   5. The following persons in addition will be considered eligible for appointments reserved for State Subjects :

      (i) Any State servant who, though not a state subject has not less than 10 years approved service in the state.

      (ii) The children of such state servants, also remoter descendants, provided that the connection of family with the service has not been interrupted without the reason."
7. *The State Subject Definition Notification No. 1-L/84/dated the 20th April,* 1927. The definition was :

   "Term State Subject Means and Indicates :

"Class I : All persons born and residenting within the State before the commencement of the reign of His Highness, the late maharaja Gulab Singh Bahadur, but also persons who settled within the State before the close of S. Year 1968(1911A.D.) and have been since permanently residing theirin.

Class II : All persons other than those belonging to Class I who settled within the state before the close of S. Year,1942 (1885 A.D., and have been since permantly resinding and acquired immovable property therein.

Class III : "All persons other than those belonging to Class I & II permanently residing within the State who have acquired under a 'Rayatnanama any immovable property there in or may hereafter acquire such property under an "Ijazatnama' and may execute a "Rayatnama" after ten years continous residence therein."

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5

THE DIRECTIVE PRINCIPLES OF STATE POLICY IN KASHMIRIn6 CONSTITUTION VIS-A-VIS THAT OF INDIAN CONSTITUTION

"In my judgement the directive principles have a great value, for they lay down that our ideal is economic democracy. Because we did not want merely a parliamentary form of government to be instituted through the various mechanisms provided in the constitution, without any direction as to what our economic ideal, as to what our social order ought to be, we deliberately included the Directive Principles in our Constitution."[1]

—Dr. B.R. Ambedkar

Like the fathers of the Indian Constitution, the framers of the Kashmiri's Constitution of 1957, were faced with the problem of harmonizing the ideal with the practiable.[2] They too realized that some principles of the constitution, though highly desirable could not be put on par with other principles thereof. For either their enfrocement in the court of law was deemed impossible[3] or giving immediate effect to them was considered to be beyond the reasonable means and the resources of the state.[4] The committee on Fundamental Rights and Citizenship felt thet "there should be separate set of principles which would be fundamental in the governance of the state and shall be intended for the guidance of the state."[5] The committee, therefore, proposed that principles of policies[6] should serve as guide line for the state for leading people towards equal opportunities, adequate minimum of a civilised standard of life and economic prosperity.[7] Such principles were listed together and like that of Indian Constitution, included in part-IV of the Kashmir's Constitution.[8] They too, likewise styled as Directive Principles of State Policy. These Directives, though not enforced by a Court of Law, are nevertheless declared to be fundamental in the governance of the country[9] and are like affirmative instructions to the Govt. to do certain things. These are in fact in the nature of the instructions issued not only to the future

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legislatures and the executives for their guidance in framing and implementing the law but also to local authorities like Panchayats and Municipal Corporations.[10] These are instruments which give to the Constitution a living spirit.

For the establishment of a "socialistic order" of the society the State is directed to promote the welfare of the masses of the people by establishing and perserving a socalist order of the society wherein all exploitation of man be abolished and justice-social, economic and political – shall inform all the institutions of national life.[11] This directive is in complete accordance with the ideals of the freedom movement as well as of the New 'Kashmir' Programmes. It is declared to be the concern of the state to develop in a planned manner the productive forces of the state with a view to enriching the material and cultural life of the people. The state, is, therefore, directed to foster and protect the public sector, where the means of production are to be owned by the state, the cooperative sector, where the means of production are cooperatively owned by individuals or groups, and the private sector, where the means of production are owned by an indiviual or a cooperative employing labour.[12] This directive, in a word, envisages not only a readjustment in the economic structure at its very base, but provides for the "structural reorganisation, and the functional reorientation of the entire economy of the state." It, thus, has a deep and revolutionary importance for a rapid economic[13] transformation.

As the vast majority of people live in the coutyside, the state is directed to ensure speedy improvement of the standards of living as well as the prosperity of the rural masses. The state is, therefore, directed to organise and develop agriculture and animal husbandry by bringing to the aid of the cultivator the benefits of modern and sceintific research and techniques.[14]The organisation of village panchayats endowing them with necessary powers and authority to enable them to function as units of self-government, is also declared to be the responsibility of the state.[15]

As Kashmir is very famous for its arts and crafts, the state is directed to take certain steps for promoting her renowned crafts & cottage industries.

It is thus to initiate and execute well considered programme for refining and modernising techniques and modes of production and to provide cheap power.[16]

The state is directed to secure, within its economic limits, the now widely accepted rights— the right to work-to the permanent residents. It

is also provided that the health and strength of the workers be not abused and the permanent residents may not be forced by economic necessity into vocations unsuited to their sex, age or strength. The directives also lay down that all workers should be allowed reasonable, just and human conditions of work with full enjoyment of leisure and social and cultural opportunities;and for permanent residents the assistance and other social securities in old age, sickness, disablement, unempolyment and other cases of undeserved want.[16] It, therefore, provides for the reorientation of the basic concept of state functions with a fundamental aid to foster a social order which seeks to recure the welfare of the people of the state in general.[18] It is also put in the Constitution that the state shall endeavour to provide every permanent resident the right to free education up to the University standard and to provide, within a period of ten years, compulsory education for all children upto 14 years and to ensure to all workers and employees adequate facilities for adult education as well as part-time, technical, professional and vocational courses.[19] The Construction does not ignore the rights of children and women. So far as children are concerned, the state is directed to secure them the right to a happy childhood with adequate medical care and attention and equal opportunities in education, employment, protection against expoiltation, and against moral or material abandonment.[20] The state, on the other hand is directed to secure to all women the right to equal pay for equal work, maternity benefits and medical care, reasonable maintenance to abandonded married women, full equality in all social, educational, political and legal matters; and special protection against discourtesy, defamation, hooliganism and other forms of misconduct.[21]

For the socially and educationally backward classes, the state is to promote their educational, material and cultural interests & their protection against social injustice.[20]

The state is also to make efforts to safeguard and promote the health of the people by advancing public hygiene and prevention of disease through sanitation, pest and vermin control, propaganda and other measures as well as to provide efficient and free medical services.[23]

In order to improve the standards of justice, the state is directed to separate the executive from the judiciary in the public services, to secure a judicial system which is human, cheap, certain, objective and impartial. It shall strive to ensure efficiency, impartiality and in-corruptibility of its various organs of justice administration & public utility.[24]

✓Lastly, the state is directed "to combat ignorance, superstition, fanaticism, communalism, racialism, cultural backwardness and to foster

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brotherhood and equality among all communities under the aegis of a secular state.[25]

The most characteristic feature of the Constitution is, the comprehensive and radically progressive list of the directives which are modelled on some of the basic rights and obligations enumerated in "New Kashmir" programme as well as part IV of the Indian Constitution. These are projections of the two fundamental basic principles-Liberty and social justice-enumerated in the preamble and defined as the ideological objectives of the freedom movement in Kashmir.

Directives of these types are not the creation of the 20th century, though they abound in the Constitutions framed in this age. "They are also found as far back as in the Arthashastra", and the Magna Carta was in a large measure a declaration of the socio-economic policies of the feudal England.[26]

Their main role is to supplement the fundamental rights and to give them the much required economic & social content. Their main purpose is to secure and protect "a social order in which justice— social, economic and political— shall inform all the institutions of national life".[27]

The directives on economic reorganisation are intended to realise an egalitarian society free from class distinctions. The directives on conditions of labourers health and social security measures, are intended for the realisation of a social welfare state. The directives on the right of children and women are intended to secure equality and justice for these much neglected sections of our society.

Thus the directives are, in fact, a programme of action drawn up for active fulfilment. A comprehensive glance at the directive principles of state policy given in the Kashmir's constitution and that of India may help to put the directive in a clear perspective and promote the crystallisation of one's understanding thereof, in some depth.

In each case, the directives are based on the preamble of the Constitution and strive to project the purposes of the preamable. And since the essence of the Preambles of the two Constitutions is more or less the same, there is a remarkable amount of indentity of approach to the definition of the directives in the two Constitutions. We also come across a few differences in case of directives in Kashmir Constitution and those are largely due to the influence of the freedom movement in Jammu and Kashmir and its own cultural and historical ethos. In either case, they are aimed at the realization of socio-economic justice for the individual and saving him and the community from exploitation of all kinds.

The directives are dealt with in Arts. 36 to 51 in part IV of the Indian Constitution, whereas those given in the Kashmir Constitution occupy sections 11 to 25 in part IV thereof.

Section 13 deals with the establishment of a socialist order for the promotion of the welfare of the people considerably resembles the directive of Art. 38 of the Indian constitution.

Section 14 deals, in some details, with the state economy and commits it to be a planned one, there is no mention of this in the part IV of the Indian Constitution.

Section 15 pertaining to development of agriculture and animal husbandry has to some extent its counterpart in Art. 48 but it goes farther in its accent on rural masses and the desirability in improvement of their standard of living. In either case, the bulk of the population live in the countryside.

Section 16 on village panchayats has its counter part in Art. 40.

While section 17 and Art. 43 have a common section in the subject-matter of promotion of cottage industries, the former reflects a particular feature of Kashmiri's own cultural heritage. In a considerable detail, it is a directive for the rehabilitation of the world-famous crafts of Kashmir, application of modern tecniques with a veiw to their greater sophistication, reduction of human drudgrey and the the desire to retain the artistic values of the products. The accent in this section is distinctively Kashmiri, which is so natural in the circumstances.

Section 18 on separation of judiciary from executive is paralleled by Art. 50 on the same subject.

Section 19 pertaining to right of work and public assistance is in some respects an echo of the right contained in the same directive of the Indian Constitution, but in two material respects, it goes farther and is distinctive. In the first instance, in the matter of public assistance and right to work, it confines the right thereof, to the permanent residents of the state. Secondly, it speak of adequate maintenance in old age, medical aid, sanatoria and health resorts at state expense to permanent residents of the state. There is nothing like this in the directives of the Indian Constitution. The reference to sanatoria and health resorts is understandable aganist the back-ground of the riches of the physical nature in Kashmir.

Section 20 like Art. 45 envisages free and compulsory education for all childern up to the age of 14, but it goes farther in calling upon the

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state to endeavour to secure to every permanent resident the right of free education upto the University standard. Its stress on adequate facilities for the adult education, part-time technical, professional and vocational courses is rather a distinctive feature of the Kashmir directive principles.

Section 21 pertains exclusively to rights of children, whereas children's interests are dealt along with those of women and men in a mix in Art 39 of the Indian Constitution. Of course, the two have a basic resemblance.

Section 22 is a fairly comperhensive moral code for the rights of women, whereas similar reference to their rights and needs are found haphazardly spread over Arts. 39 & 42. Sub-section (e) of section 22 is exceptionally, timely and relevant in its call to the state to secure women social protection against hooliganism and other forms of misconduct.

Section 23 and Art. 46 of Indian constitution are largely counterparts of each other. The former refers to promotion of education and other interests of backward classes, whereas the latter includes schedule castes and schduled tribes in its amplitude.

Section 24 of the Kashmir Constitution and Art. 47of that of India pertains to public health, but section 24 seems to be much shorter and unlike Art. 47 does not specifically deal with the policy on prohibition and narcotic drugs and what is to be done in this connection.

Section 25, the last but not the least of the directives in Kashmir Constitution in calling upon the state to combat ignorance, superstition, fanaticism, communalism, racialism and cultural backwardness has no counterpart as such in the Indian Constitution not with standing the commitment to secularism on the part of the two Constitutions.

There is no section in the Kashmir directives which deals with the subject matter of Art.51, the last of the directives in the Indian Constitution, relating to international peace, arbitration and the like. This is quite in tune with the fact the domain of foreign affairs is beyond the pruview of the state jurisdiction.

While refering to the Directive Principles of State Policy in Indian Constitution Sir Ivor Jeunings rightly points out that "The philosophy underlying most of there provsions is " Fabian Socialism without the socialism, for, only 'the nationalisation of the means of production, distribution and exchange is missing."[28] Same may be true of such provisions in Kashmiri's Constitution. It does not adhere to any particular 'ism' but seeks to establish a socialistic order.

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   Mr. Mir Quasim, while presenting the "Reprt Relating to citizenship and Fundamental Rights" to the consembly says–

   "An examination of the fundamental rights embodied in thje constitutions of some of the more important countries of the world would reveal that while there are certain rights which require positive action by the state and which can be granted only so far as such action is practiable, there are others which require that the state shall abstain from prejudicial action. It is obivious that the rights of first type are not normally either capable of or suitable for enforement by legal action..."
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   The proposed principles of policies were :—

   "I. The state shall within the limits of its economic capacity and development make effective provision for securing the right to work, that is, the right to receive guaranteed work with payment for their labour in accordance with its quantity and quality subject to a basic minimum and maximum wage established by law.

   II. The state shall endeavour to secure, by suitable legislation, economic organisation and in other ways, to all workers, industrial or otherwise, better conditions of work ensuring a decent standard of life, full enjoyment of leisure and cultural opportunities.

   III. The state shall make provision for securing just and human conditions of work and for maternity relief for workers.

   IV. All permanent residents of the state shall have the right to material security in old age as well as in the event of sickness and loss of capacity to work. This right shall be easured by the wide development of social insurance of workers and empoloyees at

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the expense of the state, free medical aid for workers and the provision of a wide neetwork of health resorts for the use of working men and women.

V. The state shall, in particular, direct its policy towards securing-

(i) that the permanent residents of the state, men and women equally, have the right to an adequate means of livelihood;

(ii) that the ownership and control of the material resources of the community are so distributed as best to subserve the commen good;

(iii) that the operation of free competition shall not be allowed to result in the concentration of the ownership and control of essential commodities in few individuals to the common detriment;

(iv) that the strength and health of workers, men and women, and the tender age of children shall not be abused and that citizens shall not be forced by economic necessity to enter vocations unsuited to their age and strength; and

(v) that childhood and youth are protected against moral and material abandonment.

VI. Every permanent resident shall be entitled to free education, and it shall be the duty of the state to provide free education which shall compusory for all children upto the primary standard.

VII. The state shall promote with special care the educational and economic interest of the socially and educationally backward section of the people and shall protect them from social injustice and all forms of exploitations.

VIII. The staten shall foster and encourage the growth and development of state and regional languages, especially those which are more backward, by every possible means, including the following :-

i (i) The establishment of a state Languages Academy, where scholars and grammarains shall work to develop these languages by–

(a) perfecting and providing their scripts;

(b) enriching them through foreign translations;

(c) studing their history;

(d) Comipling dictionaries and text books;

(ii) Founding of state scholarships for study of these languges;

(iii) fostering of local press and publications in local languages; and

(iv) establishing of an Institute of Art and Culture.

IX. It shall be the obligation of the state to protect every monument or place or object of artistic or historic interest declared by the law of the state to be of national importance, from spolation, destruction, removal, disposal or export as the case mnay be, and to preserve and maintain according to the law of the state all such monuments or places or objects.

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6

STATE ADMINSTRATION IN JAMMU & KASHMIR TILL 1980s

Between the snow-adorned barrier of the Himalayas and the earth-coloured and sun-scorched plains of the Punjab live four million Kashmiri.[1] This part of the country, Jammu and Kashmir state, which is generally known as Kashmir state covers an area of 84,471 sq. miles(2,22,800 sq. Km.) and is situated in the extreme north between Latitude 32°.15' and 37°.5' North and Longitude 72°.35' and 80°.20' East.[2] The physiography of Kashmir in relation to peninsula of India is economically most important, in as much as the great reservoirs from which is drawn the water that fertilizes the vast plains of the land of five rivers, are contained herein. Here are born infant streams which feed the Indus, the Jhelum, the Chenab, the Ravi and to a great extent the Sutlej also.[3]

It is not merely geographical expression in the North-West of the vast sub-continent of India, famed for its beauty and natural wealth, but Kashmir, as said earlier, is a land strategically situated and a connecting link for many great empires. Its borders touching as they do, the territories of Russia, China, India, Pakistan, Tibet and Afganistan, have an international significance.[4] Being a playground of Asia, Kashmir has been the victim of foreign invasion and intrigues for centuries. The people had been mercilessly exploited by their feudal and imperialist masters.

As already pointed out it occupies a strategic position from military standpoint and that of foreign affairs. Planes based on the soil of Kashmir can be used for bombing any area in Asia.[5] Nations interested in "Big Power's struggle can see Kashmir primarily as the pivotal centre of military strategy in this part of the world."[6] This is why it had been a constant source of irritation between Dogra Rulers and the Govt. of India before 1947 and India and Pakistan since 1947. It has become a pawn in the game of international politics. Thus for instance it has given rise to the fast developing collaboration of Pakistan and China, on one hand, and the Pak collaboration in the global plans of American Policy and military strategy on the other.

Kashmir being comprised three main regions– Jammu, Kashmir and Ladakh, is a multilingual, multicultural (with three dominant laguages— Dogri, Kashmiri, Ladakhi) and is also the home of various races. The Jammu province, with an area more than double of Kashmir Province,[7] is the home of Dogras– a hardy people divided into several castes and sects, both Hindu and Muslims, belonging to the same race.[8] They speak Dogri language–a mixture of Sanskrit, Punjabi and Persian words, deriving its origin from the Indo– Aryan branch of Sanskrit.[9] The people of Kashmir Valley, being an ancient race with complexions varying from olive to a ruddly and fair hue, are full of fun and fond of amusement. The overwhelming majority of the people profess Muslim religion, which was first introduced in the Thirteenth century and established its hold in 18th century. They speak Kashmiri language.

Further to the east is the land of Ladakh or 'Little Tibet'.[10] Its people are a mixture of Mongolian and Aryan races and are cheerful, wilful, and not quarrelsome unless under narcotics like 'Chang'. Simplicity and clumsiness are in a measure of their Chief characteristics.[11] They are Buddhists, the followers of the Dalai Lama of Tibet, speak Ladakhi Language. In short, geographicallly, demographically, culturally, liguistically, racially and ethnically the Kashmir state is not a homogeneous but heterogenous unit.

The struggle for freedom and demorcratisation of the administration in this stage goes back to the year 1930-31.[12] It had its origin in the widespread discontement among the Muslim masses who constituted 70% of the total population of the state and 94% of the population in the Kashmir Valley,[13] but had very inadequate representation in the state services as well as in the economic and industrial life of the state.[14] The bulk of the Muslim population were tillers, labourer and artisans– classes which were an excellent target of exploitation by the richer sections of the society.[15] Agrarian discontent and paucity of employment opportunities were thus the motivating force for the Muslim masses to agitate against the Dogra regime in the state. The process of presentation of demands and their half-hearted consideration by the Government continued for some years, but without any tangible results coming out of it. It was in 1930 that a new organisation called the Reading Room party was formed by a few Muslims.[16] Meanwhile Sheikh Mohd. Abdullah, with post-graduate degree in chemistry from M.U. Aligarh, and who was appointed as a teacher[17] left his job after a few months and in collaboration with his freinds founded the Muslim Conference of which he himself became President.[18] Sheikh Abdulla's nationist outlook, his desire to fight for the entire state's freedom and people's fundamental rights persuaded him to

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get the cooperation of all the progressive forces in the state. The Muslim Conference was converted into National Conference in 1939.[19] The National Conference adopted a programme of building up *New Kashmir* in 1944. Sheikh declared that the future and independence of India inextricably linked with the future and independence of J&K State. The National Conference, therefore, started 'Quit Kashmir Movement in May 1946.[21] This movement ended with the withdrawal of the British power from the sub-continent and transfer of power. Siekh Abdullah was then appointed as the Head of interim Govt. in 1948.[22] Art. 370 of the Indian Constitution conferred a special status on the state. Thus the Kashmir state was the only state of the Indian Union which got the right to frame its own constitution. The Jammu and Kashmir's Constitution was, therefore, framed by its own Consembly and enforced on 26th January, 1957.[23]

Governor

The doctrine of separation of powers that the Executive, Legislature and Judicial functions should each be vested in a separate and distinct body of individuals which was adopted and put into practice by the fathers of the American Constitution, is dificult to observe in practice. In most of the modern constitutions, therefore, an attempt is made to separate these functions in so far as it can be done without prejudice to administrative efficiency. In almost all Constitutional Acts, promulagted from time to time, in 100 years of the reign of Dogra Dynasty in Kashmir, all powers were vested in the Ruler. But in the new Jammu and Kashmir's Constitution of 1957, these powers have been separated.[24]

The executive power may be defined as "the authority within the state which administers the law, carries on the business of Govt., and maintains order within and security from outside the state."[25] The Supreme Court of India, while referring to what the Executive power of the state connotes, pointed out that the residue of governement functions that remains after legislative and judicial functions are taken away, subject to the course of the provision, of the constitution of India."[26]

The Constitution of 1957 envisaged a parliamentary govemment for the state and the executive powers of the state which extended to all matters not transferred to the Union, were vested in the Head of the State called Sadar-i-Rayasat.[27]

The constitutional position of the Sadar-i-Rayasat was largely the same as that of President of India except that the president was not described as the Head of the State. The framers of the Constitution of Kashmir outlined the position of Sadar-i-Rayasat on the Indian and Irish

models *viz.* that of an elected Head of the state, who was to act on the advice of his Council of Ministers.[28] The head of the state should be a permanent resident of the state and had to be indirectly elected by the Legislature. However, by the Constitution of Jammu & Kashmir's Sixth Amendment Act 1965, 'Sadar-i-Rayasat' has been substituted by 'Governor', who will be appointed by the President of India, for five years and who holds office during the pleasure of the President.[29] The Governor is obliged to exercise his executive functions on the advice of Council of Ministers except in case of appointment of Ministers, Dy. ministers, and issuing the proclamation of the brakdown of constitutional machinery in the state and thus assuming himself the executive and legislative functions of the state.[30] So far as the other states of the Indian Polity, this power of issuing proclamation of breakdown of constitution machinery is vested not in the Governor but in the President of India,[31] who no doubt acts on the advice of his Council of Minister. The Governor has the power to grant pardons, reprieves, respites or remission of punishment under the state Constitution. He may also commute death sentence for the offences to which the executive power of the state extends.[32] The Constitution of India does not sufficiently guard against the President becoming a dictator, whereas in case of J&K it would seem that the limitation on Governor's power under Section 35(2) and 92(6) of the Kashmir's Constitution reduce the possibility of his becoming a dictator to a minimum.[33]

The Governor summons and prorogues either House and can disslove the Assembly.[34]

Chief Minister and the Council of Ministers

The political executive (i.e. Council of Minsters) is the main executive organ of the govt. and its stability is essential for the efficient running of the administration.

The political executive of the state is based on the relevant provisions of the Jammu and Kashmir's Constitution 1957– Section 35 to 41. The Council of Ministers headed by a Chief Minister, is assigned the task under the Constitution to 'aid and advise the Governor.[35] Under Sec. 36, the Chief minister is to be appointed by the Governor. Who, on the advice of the former is to appoint other ministers and under Sec. 38 might appoint Dy. Chief Minster. As the Constitution envigased a Parliamentary Govt. for the state, the Governor will be obliged to appoint the leader of the majority party in the house as Chief Minister. The discretionary powers of the Governor may not be important if there is a party in the legislature with clear cut majority and whose leader enjoys

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its confidence. But it becomes important in a situation where there is no such party and a coalition Govt. is essential. In such case the leader of the party with largest number of seats is invited to explore the possibility of forming of a Govt. Constitution, however, does not provide as to how Chief Ministers will choose his colleagues. But because of rule of collective responsibility, the Chief Minister will make his council of Ministers as broadly representative as possible. The ministers are collectively responsible to the Legislative Assembly.[36] The Chief Minister and the ministers must be members of the Legislature and if they are not at the time of appointment, they should get elected within 6 months.[36] It will be then for the Governor to consider what coaltions are possible and choose that most likely to endure and who is to be appointed as Cheif Minister. The Governor is to follow the British Convention that the "Sovereign should not be interested in any particular party but should maintain his impartial position."

The Chief Minister is required to communicate all decisions of the Council of Minsters about administration and proposed Legislation to the Governor who can also call for any information on these subjects. The Governor may cause a matter decided by a minister to be considered by the whole council.[38] This would ensure the collective reponsibility and solidarity of the Council of Ministers and provide a safegaurd or general governmental policy. There is also safeguard against any hasty and arbitrary decision of an indiviual minister.[39] The ministers hold office at the pleasure of the Governor.[40] If the necessity arises, Governor may dismiss the Ministers and Dy. Ministers because the power to appoint presumably includes the power to dismiss.[41] But this power, according to convenience, is exercised by the Governor on the advice of the Chief Minister.[42] The normal methods of removal of a ministry and of a minister is a vote of non-confidence against them in the Legislative Assembly, when a minster is undesirable but continued to have the support of the House, the power of dismissal by the Governor may be used in such case. The Constitution, however, does not specifically mention whether the Council of Ministers can be dissolved by the Governor on the grounds of inefficiency or misconduct. It is presumed, since the governor is obliged to ensure the stability of the administration, he may, if he thinks it necassary, dismiss the cabinet as a whole. But this authority will be rarely exercised as happened on 8th August, 1953, when the then Sadar-i-Rayasat dismissed Sheikh Mohd. Abdullah's first Ministrry.

The Chief Minster has, therefore, a complex role to play. He is to act as a leader of the people of the state as a whole, and as an administrator holding the reins of the State's administration machinery.

Till date Jammu and Kashmir has had eight Chief Ministers in post-independance period. They are, Sheikh Mohd. Abdullah, Bakshi Gulham Mohd. Shamusuddin, G.M. Sadiq, Mir Qasim (Sheikh Abdullah second time). Farooq Abdullah and G.M. Shah. As already said that Sheikh Abdullah's first ministry tried to maintain the unity of the different regions of the state and to build the Kashmir's Constitutional structure on the pillars of maximum autonomy.[43] His ministry ultimately failed to achieve its goal because of consitutional crisis of 1953 which was caused by the motivational variations arising from political consideration and the failure of leadership at various levels to reconcile the various claims and aspirations.[44] Bakshi, G.M. Sadiq followed the policy of limited autonomy with partial and cautions integration of the state with the Indian Union on one side and to remove the regional disparities between regions of the state through various developmental programmes on the other.[45] Shamus-Uddin's Cabinet had a very short spell and could not get time to pursue an independent policy of its own. Sadiq, being progressive in outlook followed a policy of fuller and progressive integration of the state with the Indian Union.[46] Much impressed by the radical changes at the centre such as adoption of the socialistic pattern of society by the Congress as its goal at the Avadhi session, and the progressive policies of the Union Govt., regarding privy purses, bank nationalization, Sadiq regarded Art. 370 as a tunnel or a bridge between the state and the Union. But at the fag end of his political career he followed a policy of liberalisation and placating Sheikh Abdullah and his folowers i.e., greater autonomist forces in the state.[47] Mir Qasim, although initially a critic of Sadiq's policy of liberalism, began to realise the necessity and the validity of the policy. As a Chief Minister, he, therefore, played a considerable cooperative role in contributing to the conclusion of the Kashmir Accord (1975) between Central Govt. and the Sheikh Abdullah.[48] The accord, therefore, once again entreched the Kashmiri's special status within the Indian Union and prepared way for Sheikh's return to power and to continue his old policy of maximum autonomy for the state.[49] Dr. Farooq tried to follow more or less the policy of his father. Mr. G.M. Shah declared that he would also follow the policy of National Conference and Sheikh Abdullah but would have cordial relations with the centre. All the Chief Ministers were the defender of Kashmir's special status, as guarantee under Art. 370 of the Indian Constitution, and the removal of regional disparities through economic development.[50]

As regards the Council of Ministers as a whole, the main problem has been inter-party factionalism which has been a genuine threat to the governmental stability than the opposition parties. One thinks in this

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connection of the factional inflighting between Sheikh and Bakshi, Bakshi and Sadiq, Sadiq and Qasim, Sheikh and M.A. Beg, Farooq and G.M. Shah in recent times. The factional infight in Kashmir claimed many govts. By and large there have been no glaring departures from the norms of collective responsibility.

The State Legislature

Like British India, in Kashmir too, the change from a autocracy has not been sudden but gradual. The 'Praja-Sabha,–The Legislative Assembly– which was in existence even in pre-independance period (i.e. since, 1934) was, therefore, a result of a prolonged agitation of the Kashmiris against autocracy. But it was just to hoodwink observers. It enjoyed very limited powers and the ultimate authority was vested in the Maharaja.[51]

Under the present Constitution the State Legislature is the highest law-making body with the powers to legislate on all matters, except those with respect to which parliament has powers to make laws for the state under the provision of the Constitution of India.[52] It is a bicameral legislature made up of a Legislative Assembly and Legislative Council.[53] The Legislative Assembly is to consist of 100 memebers, including twenty-five seats which will remain vacant for the representatives of the people living in Pak-occupied area of the state.[54] If the Governor is of the opinion that women-folk are not adequately represented in the Assembly, he may nominate not more than two women to be the members thereof, so the total strength may reach.[55] The assembly is elected on the basis of the adult franchise and for a period of five years. The Legislative Council is to consist of 36, indirectly elected members, giving representatives to functional groups, local bodies and other social interests. The Council unlike the Assembly is not subject to dissolution but one-third of the its members retire every two years. As the constitution embodies a parliamentary system of Govt., the Legislative Assembly excersices supreme control over the political executive i.e., the Council of Ministers in matter of Legislation. The respectives powers of the two Houses envisaged in the Constitution are also somewhat after the pattern of other parliamentary democracies. The Constitution recognises the prominence of the Legislative Assembly over the Legislative Council. All bills other than money bills, however, can be introduced in either House of the Legislature and before presentation to the Governor for his assent, are required to be passed by both the Houses.[55] A bill which is pending in the legislative Assembly or which, having been passed by the Legislative Assembly, is pending in the Legislative Council, lapses on

the dissolution of the Assembly. The money bills cannot be initiated in the Council. The Council functions as a check on the process of legislation. The Council never posed problem to the party-system and has done well as a second chamber.

The Kashmir Legislature, in tune with the spirit in the country as a whole, has sometimes become a prey to considerable disorderly and unparliamentary conduct. But on the whole, such occurrences have been very few. One reason for such developments could be that the nature and quality of the members have been undergoing changes. Not only younger persons but also persons from hitherto deprived groups and those belonging to the generation born in post-independance period have considerably contributed to the qualitative changes in the membership. They are more socially conscious and more acutely sensitive to the public issues and problems. Part of the behavioural confusions in the legislature of today may be attributed to the transitional conditions due to a change of guards.

Each House of the State Legislature has a separate secretarial staff (Sec. 63). The Legislature is served by a separate secretariat whose origin goes back to September, 1959.[56] The Legislative Assembly Secretariat consists of officers (Gazetted posts), subordinate staff (a) clerical establishment and non-clerical (superior) establishment, and (b) Inferior staff.[57] The recruitment and condition of their services are governed by the Jammu & Kashmir Legislative Assembly Secretariat (Recruitment and Conditions of Service) Rule, 1959.[58] Subject to the control of the speaker, the secretary is the administrator of the Assembly Secretariat and exercises full control over the Secretariat officers and staff and is resposible for the smooth working of secretariat.[59] However, there is a separate secretariat of J&K Legislative Council which consists of a similar type of staff as that of secretariat of Legislative Assembly. Subject to the control of the Chairman. The Secretary administers the Council Secretariat and exercises full control over the secratariat officers and staff and is responsible for its smooth working. However, nothing prevents the creation of posts common to both Houses.[60]

There is a good library attached to the Legislature. It is meant for the use by the members, officers and the other staff of the Legislature. It is particularly valuable for official reports and documents. It also has a small cell, which caters to the needs of the members for information.

The Secretariat Administration

The Secretarial administrative set-up of Jammu and Kashmir Govt.

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was also changed from time to time. The pre-independence secretariat administration was such to suit best to the autocratic regime of the state. But in the post-independence secretariat administration like rest of the administration was completely overhauled in order to discharge the democratic responsibilities of the new govt. as well as to fulfil the aspirations of the people, who became free after a centuary of autocratic rule. The novel feature which remained unchanged is that the secretariat of the state from Nov. to middle of May is shifted to Jammu and for the rest of the year it is shifted to Srinagar– the summer capital. At present the business of the state government (i.e. secretariat adminstration of the J&K state) is distributed among the twenty departments of the secretariat.[61] Each department of the secretariat consists of the secretary to the Govt. who is the official head of that department, and of the such other officers and servants subordinate to him(*e.g.* an additional secretary, joint secretary, deputy Secretary and under secretary)[62] as the state govt. may determine[63] provided that more than one department may be placed incharge of the secretary and the work of a department may be divided between two or more secretaries.[64] There are therefore (1) the Secretary to Govt., Agriculture Department, (2) the Secretary to Govt., Animal and Sheep Husbandry department, (3) the Secretary to Govt., Education Deptt., (4) the Secretary to Govt., Finance Deptt., (5) the Secretary to Govt., Food and Supplies Department, (6) the Secretary to Govt., Forest Department, (7) The Secretary to Govt., General Deppt., (8) the Secretary to Govt., Health, Family Welfare and Medical Education Deptt., (9) The Secretary to Govt., Home Deptt., (10) The Secretary to Govt., Housing and Urban Deptt., (11) The Secretary to Govt., Industries and Commerce Deptt., (12) the Secretary to Govt., Information Department, (13) the Secretary to Govt., Law and Parliamentary Affairs Department., (14) The Secretary to Govt., Ladakh Affairs Department, (15) the Secretary to Govt., Public Works Department, (16) The Secretary to Govt., Power Development, Department, (17) The Secretary to Govt., Planning and Development, (18) the Secretaty to Govt., Revenue Department, (19) The Secretary to Govt., Transport Department,[65] and (20) the Secretary ro Govt., Cooperative Department. Except as otherwise provided for in the rules, all business allotted to a department shall be disposed of under the general or special direction of the Minister-in-charge. Copies of such special or general directions issued by the minister shall be sent to the Governor and the Chief Minister.[66] The Secretariat has its own well equipped library which serves as a reference and general reading library, and it is under the control of the Secretary to Goverment O & M. Department.

The Chief Secretary's resposibility besides providing overall leadership to the administrative system, extends to the following items:

The Chief Secretary shall be the Secretary to the cabinet[67] – as such he attends all cabinet meetings, prepares records of the decisions which shall be laid in the next cabinet meeting and submit to the Chief Minister for approval. He then forwards a copy of such record to the Governor.[68] In important cases the memorandum shall be shown by the secretary concerned to the Chief Secretary before trasmitted to the Cabinet Secretariat. The Chief Secretary may return a memorandum to the Secretary concerned if it does not incorporate full details for proper assessment of the case.[69] The Chief Minister may direct that a case instead of being brought for discussion at a meeting of the cabinet, be circulated among the Ministers for opinion. Such case shall also be brought up before the Chief Minister through Chief Secretary in a memorandum to be submitted for orders of the Cabinet[70] when a case has been decided by the cabinet, the Minister concerned has to give effect to the decision. If any deviation is proposed to be made from that decision by the Minister, the matter will be submitted to the Chief Minister for direction. In such cases the Secretary in the department concerned shall supply to the Chief Secretary such documents as the latter may require to maintain his record of the cases.[71] The Chief Secretary may on the order of Chief Minister or his own call for papers relating to any case in any department.[72] The Chief Secretary may, after examination of the case, submit it for the orders of the Minister-in-charge or the Chief Minister through the Minister-in-charge.[73] If any question arises as to the Department to which a case properly belongs, the matter shall be referred to Chief Secretary, who will, if necessary, obtain the orders of the Chief Minster.[74] The following cases shall be submitted to Chief Minister through Chief Secretary before the issues of orders; formulation of statutory rules and their amendment for regulating recruitment and condition of service of state services; administrative approval to works costing over fifty lakhs; relaxation of age limit, proposals for the grants of pardon, reprieves, respites or remission of punishment; questions of policy; cases affecting the peace and tranquillity of the state and minority community; constitution of an advisory Board for the detention of persons and their trial; communication with Election Commissioner; departure of rules; cases pertaining to the Governor's personal establishment; summoning and dissolution and the prorogation of the Legislative Assembly, removal of disqualification of voters at election to the Legislature, fixing of date of elections and related matters; appointnent of the officers of Legislative of the rank of Under Secretary and above; proposals involving the appoinment,

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resignation, dismissal, removal or suspension of the officers of the PSC except those of the status of Secretary, Additional Secretary or Joint Sceretary; periodic intelligence summaries from the Home Department; proposals for the transfer of Dy. Secretaries, Senior Scale IAS officers and junior scale IAS officers; premature retirement of non-gazeted officers; grant of advance increments not covered under rules and extension in services of non-gazetted officers or re-employment after retirement of any such officer.[75] But every order or instrument of the Govt. of the state shall be signed either by Chief Secretary, the Additional Chief Secretary, an Additional Secretary, a Joint Secretary, an Additional Joint Secretary, a Dy. Secretary or Under Secretary to the Govt. or such officer specially empowered.[76] When there has been any departure of the Rules, the concerned secretary shall personally bring the matter to the notice of Chief Secretary.[77]

District Administration

The state of Jammu and Kashmir, which consists of 14 districts, is administratively divided into two divisions, Jammu and Kashmir including Ladakh. At present a district is headed by a Deputy Commissioner. He exercises powers of collector on the revenue side and powers of a District Magistrate on the Criminal side.[78] Formerly Dy. Commissioners were designated as Wazir-i-Wazarat and they excersiced powers of Assistant Collector 1st class on the revenue side and power of Sub Divisional Magistrate on the Criminal side. The Deputy Commissioner is aided in his revenue work by an Assistant Commissioner and in some cases by Sub– Divisional Officer as well.[79]

Each district is sub-divided into a number of Tehsils, each Tehsil headed by a Tehsildar. He has powers of Assistant Collector first class on the criminal side. The Tehsildar is aided by a number of Naib Tensildars. Each having powers of Magistrate second class on the criminal side and Assistant Collector of the second class on the revenue side. During modem times various other items of work have been added to the list of Tehsildar's, duties, namely preparation and revision of Electoral Rolls, conducting of census and compilation of statistics connected with, rationing in rural areas and rehabilitation of refugees and so on. The nature of duties of a Tensildar, therefore, calls for considerable public contact. Above the district level we have a Divisional Commisioner in each of the two divisions of the state namely, Jammu and Kashmir. The Divisional Commisoner besides supervising the functions of the Revenue Department in their respective Divisions, also acts as liaison and supervisory officer in respect of various departments functioning in the

Divisions.[80] Formely, these divisions were called provinces and each province was headed by a Governor who exercised the power of Collector and District Magistrate.[81]

Over the Divisional Commissioner we have a Financial Commisioner who is the Head of the Revenue Department.[82]

The Civil Services

> "They (civil servents) are the steel frame of whole structure. I do not care what you build on it— if you take the steel frame out, the fabric will collapse." **(Lloyd George)**

As in other states in general, the civil services personnel in Jammu and Kashmir can be, at present, classified functionally and cadre-wise. The details of services— KAS and other General Administrative Services are as under.[83]

(a) *Department Services :*

The following gazetted services will be departmental services :

1. The J&K Secretarial (Gazetted) Service.
2. The J&K Revenue (Gazetted) Service.
3. The J&K Cooperative (Gazetted) Service.
4. The J&K Excise and Sales Tax (Gazetted) Services.
5. The J&K Industries and Commercial Department Service
6. The J&K Information (Gazetted) Service.
7. The J&K Tourism (Gazetted) Service.
8. The J&K Labour (Gazetted) Service.
9. The J&K Social Welfare (Gazetted) Service.
10. The J&K Community Development and National Extension (Gazetted) Service.
11. The J&K Employment (Gazetted) Service.
12. The J&K Hospitality and Protocol (Gazetted) Service.
13. The J&K Food and Supplies (Gazetted) Service.
14. The J&K Transport (Gazatted) Service.
15. The J&K Stationary and Printing (Gazetted) Service.

In order to provide equal opportinities and facilities for induction into KAS in due course of time, all the afore-mentioned Departmental Services shall have a uniform time scale of Rs. 1000-1560 and further that a selection grade of Rs. 1200-1800 shall be provided equal to 20% of the posts in the time scale in each service. However, all departmental services

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shall provide 50% promotion quota and 50% direct recruitment quota at level of posts in time scale pay of Rs. 1000-1560.[84] Moreover, there shall be combined service competitive examination for direct recruts of all the departmental services to be arranged in consultation with Public Service Commission by the General Departmental (Services), who also arranges allotment of candidates to various services. The departmental services will, however, continued to be managed by the concerned administrative departments.[85]

(b) *Kashmir Administrative Service :*

The Kashmir Administrative Service shall comprise the following scales[86].

(a) Supertime scale of Rs. 2600–3100
(b) Selection grade of Rs. 1850–2390
(c) Senior time scale of Rs. 1300–2030

The number of supertime scale posts shall be ten (10) and appointment/promotion to these posts like promotion to selection grade shall be made on the basis of merit and suitability from among the selection grade officers.

The number of posts in selection grade, however, shall be 20% of the strength in senior time scale of pay reduced by the number of posts carrying supertime scale subject to a minimum of 15% of the senior time scale posts.

All Administrative posts of and above the rank and pay of Rs. 1300-2030 in the departmental services shall be included in the KAS cadre. The officers who are members of different department services holding these posts at present shall be inducted into KAS placing them in the order of their dates of appointment/promotion to the grade of Rs. 1300-2030.[87]

There shall be no pre-determined and fixed quota or percentage of posts for promotion/appointment to KAS from the departmental services but the selection from these services made from time to time shall bear the ratio as far as possible to the number of posts in feeding services provided that a minimum of 15% of vacancies shall be earmarked for other services including techinal services whereform suitable officers may be induced in KAS.[88]

The officers appointed to the KAS by promotion in future shall undergo foundational course to enable them to discharge the duties of the posts of general and varied nature.[89]

The state government recently, has taken a policy decision that honest and dedicated service will be appreciated in different ways. A set of well considered norms and regulations has been, therefore, evolved and circulated to all departments regarding the grant of awards for honest and dedicated service.[90]

Public Enterprise in the State

Industrial development is of utmost importance to the developing societies like ours. As the industrial base of an economy expands, there takes place a shift from low earning occupations of primary sector to high earning occupations of industry and which raises the standard of living of the people. One of the major objectives of the planned economic development, therefore, has been to diversify basically primary sector economy and to gradually expand the Secondary and tertiary sectors. However, it is a proven fact that rapid industrialisation can substantially push up the productivity, the per capita income, the saving capacity of Labour and, thus, increases the rate of investment which results in a rapid all round economic development.

The State Jammu and Kashmir, which is known all over the world for its scenic beauty, has not been very fortunate in this respect and lags far behind other states of Indian federal polity in industrial activity. On the eve of independence of the country and for quite some time thereafter, industrial activity in the state was limited to handicrafts and sericulture.[91] The only industrial units worth the name were a few forest-based units. The first meaningful step towards industrial development in the small scale sector was taken in the late fifties with the setting up of industrial estates in various parts of the state.[92] Unfortunately, most of the estates remained grossly under-utilized for a long period and were in consequence utilized for non-industrial purposes in some places. The beginning of seventies marked a change from the past. The State Govt., formulated a comprehensive but very attractive set of incentives to attract enterpreneurs from within and outside the state to invest in industrial ventures and for the development of industries in the state.[93] These incentives provided a large number of concessions for industry, particularly in the small scale sector *e.g.* allotment of fully-developed industrial plots with all infrastructral facilities on nomial prices, subsidy on feasibility reports, power tariff, permission to set up thermal or hydral generating sets by individual and group of industries, subsidy on diesel generating sets, training entrepreneurs in the small sector, price preference of goods sold to the Govt. Deptts. by local small scale units and tax benefits.[94] Besides, the entire state has been declared a backward area and is covered under

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the 25% capital subsidy scheme of the Government of India.[95] About the same time, the Central Govt., also sanctioned a scheme for providing special concessions for promotion of industries in backward areas, which included capital investments subsidy, tax concessions etc.[96]

Notwithstanding these attractions, however, capital continued to be shy in J&K State. Handicrafts, of course, witnessed rapid progress. The small scale sector also made some progress but not with the desired speed.

In mid-seventies, the State govt. took a more aggressive line in making a break-through in the industrial fields. A Development Review Committee comprising experts from various disciplines made a comperhensive study, *inter-alia* of the problems and prospects of industrial development in the state.[97] At the same time, large industrial houses in the country were invited to make investments in the state. All these efforts indeed fructified as a result of which several projects in the large and medium sector came up. The introduction of the District Industries Centres in 1978[98] also acted as catalyst for the industrial sector particularly for the small scale sector.

The State Govt. has also set up J&K Industrial Development Corporation (SIDCO) as a model agency for solving the pre-investment and post-investment problems of entrepreneurs, setting up large, medium units,[99] and J&K Small Scale Industrial Development Corporation (SCCOP) to procure raw material requirements of the various industrial units from outside state.[100]

The State Industrial Development Corporation has been instru-mental in the promotion of a number of private sector projects in the state. Some of the most important of these projects are : [101]

1. Synthetic Detergent Factory of M/s Hindustan Levers Ltd. at Jammu.
2. Vanaspati Ghee unit of M/s K.C. Vanaspati Ltd. at Jammu.
3. Resin and Turpentine unit of M/s Pinehe Chemicals Ltd. at Jammu.
4. Resin and Turpentine unit of M/s Prabhat Terpenes Ltd. at Jammu.
5. Resin and Turpentine unit of M/s Dujodwalla Industries Ltd. at Jammu.
6. Pencil Factory of M/s Sanghvi Woods Ltd. at Jammu.
7. Pencil Factory of M/s Cade Wood Ltd. at Jammu.
8. Barbed wire Unit of M/s Trendwire at Jammu.

9. Sports Goods Unit of M/s Pioneers Sports Ltd. Kasshmir, And
10. Apple Processing Plant of M/s Cadbury Ltd., Doabagh, Kashmir.

The State, however, has certain intrinsic problems– its mountian-locked nature, difficult terrain, distance from the market, which limit the choice of industries which can be set up in the state. Nevertheless, today the state can claim to be heading towards an industrial climate which raises new hopes for the future.

At present *i.e.*, in 1984 there are 50 medium sector units wherein an amount of Rs. 49,000/- crores (approx.) has been invested. Similarly a number of small scale units have gone up from about 3,000 in 1978 to about 15,000 where direct employment of about 69,000 people has been generated.[102] There are about 14 public sector undertakings which are playing a pivotal role in the indusrialisation of the state.[103]

Planning

Planning is essentialy a way of organising and utilizing the resources of a country in order to get maximum benefit in terms of defined social objectives and to obtain a wholesale transformation of social structure.[104] The very fact that almost all countries of the world have now adopted planning as a tecnique for socio-economic development, is a fair indication of its crucial role.[105] Planning is done in the third world countries to fight the age-old problem of poverty and hunger and to usher in prosperity.[106]

However, 96% of the population of Kashmir state lived in far-flung and isolated villages subsisting on primitive agriculture which yielded an average annual income of about Rs. 11/- per head.[107] Their entire history is an account of rapacious invaders bearing down upon their beautiful valleys to pillage and oppress, leaving them in dire poverty to till terraced slopes with laborious patience.[108] In spite of fertile soil, mineral resources, the unlimited water supply of its snowfed rivers, the immense wealth of its vast forests, the matchless skill of its world famous craftsmen, and the bracing climate of Kashmir, its inhabitants used to trek down to the towns of the Punjab to work as coolies in order to earn enough money to pay land revenue to the fedual administration and interests to the moneylender.[109]

The main objectives of the planning in the stste, therefore, are economic growth and socio-economic development, industrialisation and tackling unemployment problem; development of agriculture, forests, mining and tourism ; reducing regional imbalnces ; improvement of the conditions of the weaker sections and the poor and minimise the possibility of exploitation of the labourers and artisan classes by the

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richer section of the society. The economic policies of the state were reoriented after a series of discussions between the State Chief Minister, Prime Minister of India and the Planning Commission. A long range planning strategy had been evolved paying special attention to Kashmir's need for power and extensive and varied communications, absence of which had hampered industry and tourism.

To date, the state has completed six plans and the Seventh Five Year Plan is in progress. the outlay of the plans has increased from Rs. 12.7[110] crores to Rs. 2114[111] crores. The success achieved in so far is not only encouraging but satisfactory enough to lead to the conclusion that the Kashmir State has long last been able to determine its priorities in proper perspectives.

The First Five Year plan of the state (1951-56) was incorporated in India's First plan as late as March, 1953. The size of original plan was reduced from Rs. 20.13 crores to Rs. 13 corores and ultimately to Rs. 12.7 crores and its main features were Banihal Tunnel, development works to be financed out of central assistance and development works to be financed out of revenues of the state.[112] The total expenditure during the Plan period was 11.52[113] crores. As a result there had been a considerable improvement in state's economy. Employment avenues accelerated considerably and outlay provided under Industry was Rs. 82.12 lakhs *i.e.* 6.7% of the total outlay.[114]

The second Five-Year Plan of J&K aimed at securing a coordinated and balanced development of the economy of the state with a view to ensuring better standard of living for its people. This was sought to be achieved by increasing industrial and agricultural production and opening up of new and more avenues for better and fuller employment. The Second Five-Year Plan of the State originally envisaged an outlay of Rs. 60 crores, out of which only 33.92 crores found their way in the country's plan under the heading of the state plan.[115] The total expenditure during plan period was 25.95 crores.[116] Much stress was laid on construction works and social amenities. The plan had also brought an increase in the industrial units of the state (*i.e.* 98 in Kashmir ans 41 in Jammu),[117] thereby bringing further increase in the employment.

In the Third Five-Year plan, the State Govt. envisaged vital economic policies for the speedy achievement of a socialist pattern of society along with the rest of the country.[118] The plan expenditure had been spread over schemes with judicious care to ensure coordinated and even development of resources of the state with suffidient regard to the suitability and technical feasibility of individual projects and schemes. Top most priority had been given to three main objectives such as

development of power ; setting up industries and exploitation of untapped mineral wealth.[119] Out of the total outlay of the plan Rs. 75.14 crores, 0.06 crore was kept for Industry and Mining.[120] The total expenditure during plan period was 61.85 crores.[121] As a result the number of factories in Kashmir raised to 115 with total employment of 5,497 persons; and in Jammu to 75 with total employment of 3,526 persons.[122]

In the Fourth Five-Year Plan, the emphasis had been shifted to vital wealth producing sectors of the economy. The strategy of development had been such as to firmly establish infrastructures of growth so that further development could take place in a sustained manner. The total investment during the plan period was 162.85 crores.[123] The end of the plan saw a rise in the registered small scale units upto 2203. Moreover, special incentives were introduced to accelerate the growth and developments of drugs and chemical and texitiles industries. The size of the Fifth-Five Year Plan had gone up progressively.[124]

The investment made during the plan period was about three times the amount spent earlier.[125] The total expenditure during the plan period was 278.55 crores.[126]

So far as the Sixth Five-Year plan the total investment envisaged was Rs. 900 crores.[127] Like other parts of the country, the state of J&K is now in the process of preparing its draft 7th Five year plan. The total size of the plan would be of the order of Rs. 2114 crores, envisaging a growth rate of 7.9% in the state economy. The National Development Council laid stress on food, work and productivity, requiring a strategy built around agricultural growth, creation of employment, improvement in industrial tecnology and infrastructure, and a shift in investment priorities towards items of mass consumption.[128]

Through planning the state govt. has succeeded in giving a new orientation to state economy, quicken the pace of industrialosation, modernise agriculutre and giving a new meaning and content to the life of the common man.

Thus, looking back at the last three decades of planning one finds that a transformation has taken place and firm foundations laid of developing economy. Our S.D.D. has touched the level of Rs. 844/- crores in 1980-81 and the per capita income of Rs. 1,439/- at current prices. The growth has been faster than at the national level. Agriculture has undergone a revolutionary change. Industry has started to take roots. Power generating capacity has gone up. A wide network of roads has been laid linking even remote corners of the state. Education has been made free up to the univeristy level and enrolment ratios have gone up.

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Health cover is widespread and general health conditions of the people is much better and they live a longer and prosperous life. Drinking water supply has also been provided to 42% of the rural and almost entire urban population.[129]

The Centre-State Relations

I may once again say that the Jammu and Kashmir state, which is an integral part of Indian Union, enjoysa special status by virtue of art. 370 of the Indian Constitution. However, the Kashmir's constitutional relations with the Union of India is still an incomplete story of adjustment of respective sphere of powers between federal polity and a constituent unit. It actually reveals the hazards of National-building in the developing world where plurality of religion, language, race and culture, geographical factors and uneven political developments create strains and stresses in the adjustment of relations.[130]

As already said that the process of integration and constitutional adjustment, which had been adopted in regard to the other Indian States was not at all followed in the case of Kashmir state. The constitutional relationship between state and central govt. continued to be governed by the provisions of the Kashmir's Instrument of Accession of 26th Oct., 1947 whereas the Constitution of Indian was being completed by 1950, it was deemed necessary to make provisions in India Constitution regarding the status of Kashmir State. Certain broad principles were agreed upon by the centre and the state leadership in a meeting held in Delhi in May, 1949. The position crystallised finally, when the special provision 306-A drafted to be placed before Consembly of India.[131] This Draft Art. was revised three times just to accommodate the veiwponits of both the parties.[132] The provisions giving a special status to the Kashmir State, therefore, were finally embodied in the Art. 370 of the Indian Constitution.[133] It was a step to fulfil the long-cherished desire of Kashmir leader with regard to State autonomy by limiting the powers of Union President and Parliament. Thus only Art. 1 and 370 of the Indian Consitution were to apply to Kashmir. Sheikh Abdullah followed a policy of maximum autonomy for the State throughout his first tenture of Prime Ministership. Further elaboration of the relationship culminated in singning of Delhi Agreement in July, 1952, but some of the controversial issues were again left for further discussion.[134] G.M. Bakshi, the new Prime Minister, after the dismissal of first Sheikh ministry in August, 1953, embarked upon carving out solid relationship with India on firm grounds and the work of the Kashmir Consembly started afresh with renewed vigour. He followed a policy of limited autonomy and partial and cautious

integration of state with India. The Kashmir Constitution was finally enacted in Nov. 1956 and enforced on 26th January 1957[135] by giving affect to this policy.

I may once again point out that after Bakshi when Mr. G.M. Sadiq came to power in 1963, the integrative process continued. His period was marked as a period of a steady movement towards state's fuller integration.[136] This resulted in the application of Arts. 81,356,357 of the constitution of India to the state. The state constitution was also amended to change the nomenclature of the Sadar-i-Riyasat and Prime Minster.[137] On political level also the National Confrence was merged into the Indian National Congress. All these steps brought India and Kashmir closer on the constitutional and legal level.

As said earlier Syed Mr. Qasim, after the death of Sadiq in 1971, played a considerable cooperative role in contributing to the conclusion of the Indira-Sheikh Accord of 1975.[138] The accord, therefore, once again entrenched the Kashmir's special status within the Indian Union and prepared the way for Sheikh Mohammad Abdullah's return to the constitutional position. He again urged for the largest possible state autonomy, stressed the finality of the accession and the special status of the state as provided under Art. 370 of the constitution of India and reflected further in the Indo-Kashmir Agreement of 1952 as well as in the Kashmir Accord of 1975. Dr. Farooq Abdullah, more or less, tried to follow the policy of his father as far as centre-state relations were concerned. G.M. Shah, the next Chief minister, had declared that he would also follow the policy of National Confrence and Sheikh Abdullah but would have cordial relations with the centre.[139]

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7

SHARPENING OF REGIONAL IDENTITIES AND THEIR IMPACT ON KASHMIR POLITICS

The geo-political profile of the State of Jammu and Kashmir clearly depicts its heterogeneity. The multiplicity of its ethnic-religio- lingio-regiono-cultural character as well as the over the years growing politico-emotional divergence among the regions not only sharpened the regional identities in the three regions– Jammu, Kashmir and Ladakh[1] but also has deep impact on the over all politics of the State. It is also pointed out that the distinctive characteristic of Kashmir politics and identity have automatically carved out two regional identities on its either side separating it from Jammu by the geographical barrier of Pir Panchal and from Ladakh by Zojila.

I may point out once again that, during freedom struggle in Kashmir, the Dogras of Jammu particularly non-Muslims identified themselves with loyalty towards Dogra ruler, Maharaja Hari Singh. They considered that their rights and interests would be more protected at the hands of Hindu ruler against the chauvnistic politics of the majority community. But in post-independence period, when monarchy was abolished, the Dogras of Jammu looked towards India for the protection of thier interests and social security against the domination of Kashmiri's chauvnism.[2]

As a result, Hindu dominated belt of Jammu found its effective expression in the Hindu dominated party known as Praja Parishad which first sought for the security of the Dogras in the retention of Maharaja as a constitutional head of the state and then favoured full accession of the State with the Indian Union.[3] It is pointed out that such an attitude of the people of Jammu was the result of a protest against the aggressive trends of Kashmiri nationalism. But the Praja Parishad led Jammu to a blind alley. Its politics splintered Jammu on communal lines.[4] Its slogan for the abrogation of Article 370 of the Indian Constitution as well as its demand for the complete merger of the State in the Indian Union alienated

not only the autonomous forces in the State but also non-Muslims. Even the liberal and secular forces in the State opposed its politics simply because of its association with the Rashtriya Swayamsewak Sangh (RSS) and other communal organisations in the country as well as its final merger with the Jana Sangh.[5] Moreover, the chauvnistic attitude of the Kashmiris' also led to the emergence not only the preservation of Jammu identity but also must giving its people a fair share in socio-politico-economic development of the State.[6] Despite this Jammu has served as a vital geopolitical link between Kashmiri aspirations and liberal Indian Public opinion from 1947 uptill now.[7]

The Kashmir identity, on the other hand, marked by the political movement which started in July, 1931 against the Dogra monarchy.[8] The entire course of this movement and its vicissitudes can broadly be interpreted in terms of the urge of the Kashmiri nationalists to seek avenues of self-awareness, self-expression, self-assertion and self-determination through varying manifestations and relationships.[8]

In addition to this, linguistic and cultural homogeneity, historical continuity and geographical compactness sharpened its regional indentity. As a result of this, political awakening in Kashmir expressed itself in the form of Muslim consciousness through an informal political form as the Muslim Conference in 1932 under the leadership of Sheikh Mohd. Abdullah. Such Muslim consciousness demanded more goverment jobs for Muslims, democratic rights, freedom of expression and association and political power through responsible goverment.[9] As the ruler was a Dogra Hindu, a non-Kashmiri and non-Muslim, the demand of democracy satisfied regional and religious urges of the Kashmiri masses.[10]

The change of the Muslim Conference to The All Jammu and Kashmir National Confrence in 1938 not only secularised the Kashmir politics but also invited non-Muslims' valuable support to the democratic govemment in the State under the charismatic leadership of Sheikh Mohd. Abdullah in 1948-49. Moreover, it abolished monarchy and landlordism also. As a result of this, most of the people of Jammu looked upon the party as a manifestation of militant Kashmiri nationalism.[11] With this, the Kashmiri leadership perceived threat to their identity when movement for full integration of the state with the Indian Union by scrapping Article 370, which confers a special status to the status to the state under Indian political system, was started by the Praja Parishad in 1952 and was supported by Jana Sangh. Despite the opposition from Jammu and also differences with government of India since 1953, the Kashmiri Leaders neither merged Kashmiri identity with the Indian nationalism nor with

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that of Pakistan.[12] Thus, the dominant Kashmiri sentiment, with varying phases, has been in clash with the intergrationist forces inside and outside the state.

As far as Ladakh is concerned, its discontent is against discrimination by Kashmiri Leadership. Since independence Kashmir has come to be viewed as oppressor primarily by Ladakh Buddhists. Their demands were threefold : Divisional (or regional) status to Ladakh (with Leh and Kargil as two districts) at par with Kashmir and Jammu; regional autonomy within the state; and scheduled tribe status to the people of Ladakh.[13] Howover, recently, Ladakhi Buddhists and Ladakhi (Shia) Muslims have been granted scheduled tribe status.[14] Side by side, the peace loving and docile Ladakhi Buddhists population demand that Ladakh be declared as Union Territory in order to accelerate its socio-political and economic development. In order to precepitate their efforts to achieve Union Territory status, the Ladakhi Buddhists formed a political organisation namely, the Ladakh Buddhists Association in recent past.[15] The organisation has been pressing hard for getting its demand accepted by the state as well as the Central Govemment.

The Ladakh Buddhist Association while pointing out some roots of the crisis in Ladakh such as indentity crisis,ethnic conflict and socio-economic imbalances[16] has now launched a prolonged agitation for securing a Union territory status for Ladakh.

Thus Central Government seems to be concerned about the movement launched by the Ladakhi people so that people of this sesitive geo-political region touching newly formed Central Asian Republics, China and Pakistan may not become restive. That is why Central leaders particularly Home Minister repeatedly visited Ladakh region to have a first hand knowledge about the -problems being faced by the people of this sensitive region and report to the Central Govemment for finding out some amicable solution of the problem.[17]

It may also be pointed out that the climate as well as ethnic composition has greatly affected the state politics. Except Jammu, both Kashmir and Ladakh are the coldest regions. In the past no political movement was started in Kashmir in winter. But for the last few years, Kashmir is under turbulence continuously regardless of its climatic conditions. The same scene has been witnessed in Ladakh region also. The various ethnic groups belonging to various regions of the state do not react uniformally to political pulls from outside the state which adversely affect their relation with one another. The ethnic groups feel involved in all the affairs of the state and take the interest in elections,

administration and development. Above all, the question of sense of participation and equitable share in political power has started agitating the minds of various ethnic groups.

Linguistically also, the state is heterogeneneous in character. As already pointed out, most of the people of Jammu region are Dogras and speak Dogri; of Kashmir are Kashmiri and speak Kashmiri and of Ladakh are Ladakhi and speak Ladakhi. Therefore, Dogri and Kashmiri are Greek to Ladakhi as Dogri to Kashmiri and Kashmiri to Dogra. All this has created a barrier to understand each other's viewpoints and appreciate their divergent approach to the politico-socio-economic problems being faced by the people of three regions.

The above mentioned facters to a great extent contributed much in sharpening the regional identities of all the three regions and helped in developing, in each of the region, its distinct and aggressive political entity and also its divergent political aspirations without caring for the interests of other two regions. As a result, no inter-regional, inter-communal political party could come up in the state which had a legitimacy from all the three regions of the state. Though regional and political groups were activated in their respective geo-political regions,and also some futile attempts have been made in the past by a few progressive and secular elements to form political parties either through alliance or mergers, yet these experimnts were either short-lived or such political parties could not get any popularity. Since geo-political position of the State of Jammu and Kashmir is so strategic and delicate that above mentioned kinds of diversities on different aspects led to fragmentations and complications of politics thereby strenthening the adversaries with in the state and also across the borders touching it.

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8

THE PROBLEM OF REGIONAL IMBALABCES, IRRITANTS AND TENSIONS IN JAMMU & KASHMIR STATEk IN ITS POLITICO-PSYCO-ECONOMIC PERSPECTIVES

The problem of regional imbalaces, irritants and tensions seems to be a natural consequence of the operation of the democratic system based on adult franchise in multi-ethnic, multi-racial, multi-religious and multi-linguistic society like Jammu and Kashmir State. Moreover, the background of the lop-sided politico-socio-economic development has also provided a strong basis to the inter-ethnic, inter-cultural as well as interk regional imbalances and grievances, which in turn not only provided a fertile soil for the growth of strong regional sentiments, the rise of the violent regional protest movements, but also have occasionally threatened the political unity, order and the stability of the state. The problem of regional imbalances has to a greater extent, generated potent hurdles in the way of improving cordial relations between the three regionsk Jammu, Kashmir valley and Ladakhj and to establish harmony and order necessary for consistent growth and development of whole of the state.

However, imbalances— social, economic, educational or otherwise– have, for long, been a bone of contention amongst the people of the three main regions and those of the different areas within these regions in the Jammu & Kashmir state. While many imbalances are attributable to the peculiar geoclimatic reasons, many more have been raised by sheer human manipulations. It is the latter category of disparities that has engaged the attention of successive governements and the people alike. This problem was there when the state people lived under autocratic rule and it remained there even when the popular govern-ments held the reins.

Problem of imbalance in pre-independence period

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There were discontentments among the people of valley even in pre-independence days. Their grievances were in various fields such as administrative, developmental, educational, employment in govem-ment services and sharing of political powers.

During the early years of the Dogra Rule in the state, most of the offices were held by outsiders. They came from all provinces of India, but the Punjabis captured most of the posts. The outsiders kept the sons of the soil at an arm's length and did not admit them to the closely–guarded state preserves of loaves and fishes. When an outsider gained some power in the state, a large number of his relatives would come to the state and secured minor posts.

In the beginning, therefore, most of the posts were held by the Hidhus. The Muslim were generally uneducated and thus this injustice was not much felt. But with the passage of time and the spread of education, the Muslims became conscious of it and raised hue and cry against it. Meanwhile Maharaja Partap Singh granted special privileges and concessions to his Rajput brethern.[1] The People of the state, therefore, made some representations to the then Govt. of India. At the close of the last century, the Govt. of India wrote to Kashmir Durbar that in the matter of the state employment the Mulkies (sons of the soil) should be preferred to outsiders. Any one could then become a 'Mulki, firstly by declaring that he was one[2] and later on by tendering a duly executed Rayatnama and having acquired immoveable property.[3] The Educational Commissioner with Government of India. Mr. Sharp, when visited Kashmir in 1916, on the invitation of state govt.[4] made some recommendations in favour of Mohammedans to mitigate their grievances.[5] The recommendations, though received sanction of H.H., were mischievously shelved by the Punjabi Hindu Officers. The state government, therefore, did not pay much heed to the claims of the muslims. Moreover, most of the posts were given to the Dogras of Jammu, though they were, too, illiterate then.[6] Almost every high job went to the sons of those who had power and influence in the state and certain communities, especially the Hindu Rajputs, received the lion's share. This was how the people of the state, particularly Muslims were exploited by the outsiders and influential persons. That was why in the times of Maharaja Partap Singh, a movement 'Kashmir for Kashmiri's started in the Valley. With the Passage of time this movement grew stronger. Hence, several committees and commissions were appointed to deal with the problem which ultimately adopted state subject rules of 1927.[7] The new interpretation to the term

state subject, however, satisfied only a handful of middle class youngmen who saw in the definition an opportunity to obtain the favour of the government. The masses at large remained untouched.[8] As regards higher posts (Like those of Heads of the Department) the State Subject were still generally conferred on either Dogras or worn out retired officers from British india.[9]

The valley too was economically backward as there was no major industry. Hence government services were most important. The state subject definition too could not satisfy the masses because of their illiteracy. The complaint was that it was a deliberate neglect of Muslim in the matter of services.

As far back as in the early thirties, the first serious effort was made to asses this chronic problem and to find out ways and means to cure it. After the gigantic movement of 1931, Maharaja Sir Hari Singh proclaimed that if any section of his subject would submit its reasonable demands, they would receive his sympathetic consideration. Thus several memorials, by different communities were submitted to the Maharaja e.g. Memorials presented by the J&K Muslims, 19th Oct. 1931,[10] Memorials presented by Kashmiri Pandits, 14th Oct. 1931,[11] Memorials; presented by Jammu and Kashmir Sikhs 24th Oct., 1931;[12] Memorial of Hindus of different shades of opinion of the J&K 29th oct., 1931; [13] Address presented by the Rajputs 31st Oct., 1931[14] and the state Buddhist representation 30th Nov., 1931.[15] The Late Maharaja Hari Singh then set up a commission headed by H.E.E.J Glancy on 12th Nov., 1931[16] to enquire into the grievances and complaints of his subjects.

The commission coopted both official and four non-official members—one Muslim and one Hindu from Kashmir (viz., G.A. Ashasi and P.N. Bazaz) and one Muslim and one Hindu from Jammu (viz., Ch. Ghulam Abbas and Pt. Lok Nath) [17] The commission was to be presided over by B.J. Glancy, ICS and the report was submitted on 22nd March, 1932 at Jammu.[18] Communal claims in services were officially taken Congnizance of by the Commission for the first time. Even Glancy Commission, later on recognized the fact of the imbalances.

Regionwise representation in the State Services in 1932[19]

Department	Non–Muslim	Muslim
I. Executive		

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(a)	P.W.D.	183	54
(b)	Electric & Mechanical	47	3
(c)	Telephone and Telegraph	73	7
(d)	Customs	198	14
(e)	S.D. M.'s and Teshildars	67	22
(f)	Girdawars & Patwaris (Mirpur Dist.)	131	31
(g)	Girdawars & Patwaris in Reasi	85	9
II.	**Clerical**		
(a)	Finance	368	29
(b)	P.W.D.	194	10
(c)	Judicial	162	21
III.	**Menials**		
(a)	P.W.D.	120	23
(b)	Customs	314	108
(c)	Forest	784	278
(d)	Stationery & Printing	66	5
(e)	Gazetted posts	628	135

Out of a total of 763 gazetted posts, Muslims held 135 while Hindus 628 posts.[20]

Out of 135, Kashmiri speaking Muslims were only ten.[21] The Commission thus found that generally the Muslims and certain other minority communities too were inadequately represented in the Public Service of the State.

The Principal recommendations[22] made by the Commission with a view to achieving a more equitable method of recruitment to the services and to afford to every community a fair chance of representation, were as under :

(i) While there need not be different standards for different communities, the standard should not be more exacting than efficiency demanded and those who possessed qualifications in excess of that standard, should not be held to deserve appointment as a matter of right.

(ii) There was no need to change the age limit which was then thirty years.

(iii) Appointments and scholarships be properly advertised and given a wide publicity as possible. All vacancies should be properly advertised. In the case of local appointments, inhabitants of the district concerned should be appointed.

(iv) Due regard should be paid to the legitimate interest of every community in the matter of recruitment to govt. services and the grant of scholarships for training provided that suitable candidates were forthcoming.

The recomendations of the Galancy Commission though accepted by the Maharaja could not solve the problem. In 1933 the proportion of Muslim teachers and staff in the Department of Education of the Jammu and Kashmir State only was as :

Proportion of Muslim teachers and staff in 1933.[23]

		Muslims	Total
1.	Teachers	718	2,201
2.	Head Masters of state Middle Schools	3	39
3.	Head Masters of state High Schools	1	15
4.	Professors in colleges	4	33
5.	Demonstrators	1	8
6.	Inspecting staff	3	14
7.	Gazetted officers	4	27

Hence, a few years later a Recruitment Rules Committee was appointed to formulate proposals for recruitment to, and training for the sevices.[24]

The report of the Committee on the gazetted services was published in 1939[25] and that on the non-gazatted services in 1941.[26]

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The committee made detailed proposals regarding the classification of each service— gazetted and non-gazetted, into classes and categories, the method of recruitment to each class and category and the qualifications required of the candidates. The principal recommendations were as under :

(i) For direct recruitment the age limit should be reduced from 30 to 28 years except for gazetted appointments in such departments as the judicial, education and medical where higher educational qualifications were required. But in the medical department a higher age limit of 32 years was proposed. These rules were introduced in 1939 by order No. 1328-C of 1939.[27]

(ii) For gazetted services the normal method of recruitment should be a competitive examination. Direct recruitment by nomination to be provided in exceptional cases only. A proportion between direct appointments and promotions, including transfers, varying from 50 to 75% according to the circumstances of each department was proposed. The committee recommended that direct recruitment would give a better change for regulating communal representations.[28]

(iii) Selection, nomination, competitive examinations promotion from lower category or grade and transfer from one class to another were the five methods of recruitment of non-gazetted services recommended by the committee. Recruitment partly by one method and partly by another was also recommended. For techincal departments such as the medical and P.W.D. recruitment by cometitive examination was not considered as necessary. Nomination or selection was considered sufficient.[29]

The Committee also suggested rules for the various competitive examinations and the detailed syllabi for each of the them. No definite orders for communal representation existed at that time. But representation for Muslim community was supposed to be the aim.[30]

A Board called the 'Kashmir Civil Services Examination Board' was constituted in 1942 with the Revenue Minister as Chairman and Director of Eduction as one of the members to hold the examinations.[31] In the case of civil service (Judicial) the examination was to be held by the High Court under the direction of and the in accordance with such rules as were approved by the govemment.

In making direct recruitment care was to be taken to secure adequate representation of the various communities particularly which were then

educationally backward.[32]

Even though these rules marked the introduction of the principle of competition for recruitment to gazetted services, yet many doubts were expressed by the people regarding the sincerity of the governemt in making these changes in the manner of recruitment for the said services. Moreover, the number of posts filled by competition every year was small, generally four or five.[33] Recruitment was thus made by the Maharaja or his officials. Even Kashmiri Pandits in the valley were not satisfied. The people of the Valley, therefore, demanded equitable share in the administration and in the exercise of political powers. There was popular uprising for the abrogation of the Treaty of Amritsar, preservation of their culture and language, establishment of a legislature by adult franchise and responsible government and ultimately for Quit Kashmir.

Howerver, the struggle could not bring about much change in the situation. The cries for imbalance and discontantment among various regions, religions and communities were still heard even in 1947.

Religionwise representation in state services in 1947

Cader	Muslims	Hindu	Sikh	Others
Gazetted	150	325	21	11
Non–gazetted	4,269	6,875	566	128
IV Grade Servants	3,568	3,546	635	217

Imbalance in post-independence period

The power centre was shifted from Jammu to Srinagar with the coming of the popular Government in the State. But the Dogra Nationalists of Jammu could not digest this shift of power easily. The four representatives of Kashmir state in the Constituent Assembly of India insisted on limited accession and not going beyond the Instrument of Accession signed by Maharaja. The result was the incorporation of Art. 370 in Indian Constitution and convening of Kashmir Consembly for framing a separate constitution for the State. There was a large expansion of the services, after the introduction of popular rule in the state in 1947, and reorganisation of some of the departments that had been shattered because of Pak. Invasion and occupation of some of the State territory. The accelerated developmental activities of the state government also warranted these steps. The recruitment was not, therefore, made strictly in accordance with the rules which were sanctioned as far back as in 1941. Some appointments in the higher ranks were also made from political cadres.[34]

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However, the inter-regional tensions as well as fear of dominance of one region over the other was manifest again during the elections of the Consembly in 1951. Llike the pre-independence period the compaints and slogans of regional imbalances were raised from Jammu and Ladakh. The Dogras of Jammu charged that in official politics, assistance to Economic Development, recruitment and promotion in the administration, Jammu was being discriminated against.[35] In search of the security some of the Praja Parishad leaders, a Hindu dominated Political Party of Jammu, demanded the complete accession of state with Indian Union.[36] Some of Praja Parishad leaders even went to the extent of raising the slogans of autonomus Jammu. Kaushaka Bakula, the Head Lama and member of C.A from Ladakh in a memorandum to the Prime Minister of the state demanded for a statutory provision for Ladakh in the future constitution of Jammu and Kashmir. He stressed that Ladakh had a little or no vioce in the 75 members Consembly where it was in point of race, language and culture a perfect stranger to the rest of the members. He insisted that a separate Legislative Assembly of 15 members with an Executive Council, responsible to it, be set up for Ladakh to run the Internal Aministration of the area. Thus, North-eastern Frontier Province of Ladakh covering Sinkiang and Western Tibet, he pointed out, would become a federating Unit of Kashmir, Ladakh would, therefore, bear the same relation with the state , as the state with the Union of India.[37]

The inhabitants of Doda District also were agitated and emphasized that as they had peculiar local problems (i.e., backwardness, farflung areas like Paddar, Warwan, Chilliall dangerous mountain tracts) and historically, geographically and culturally were quite different from neighbouring Units. Hence they should not be attached to any other unit and be given the status of separate cultural unit like Jammu and Ladakh in future Constitutional set-up.[38]

In October, 1953, the State Government, set up a Committee known as the J&K Public Services Reorganization Committee. One of its principal functions was, "to suggest measures to ensure equitable representatioin of the various sections of the people and to provide special opportunities and incentives for securing adequate representation of under represented communities in government services. But the facts of the report of the committee were not known.[39]

On the other hand on December 21st, 1962, Friends of New Kashmir' who met in Delhi under the Presidentship of Mr. Balraj Puri expressed concern at the development in the state and growing deterioration in the relations among different communities. Jammu Autonomy Forum then

came into existence and spear-headed movement for reorganization of the state on the basis of equality and friendship among the three regions. A 15 men committee prepared a memorandum to be submitted to Gajendragadker Commission which was set up in 1967 to probe a little deeper into the problem of Regional Imbalances and discontent and proposed not merely for a redressal of regional grievance such as disparities in sharing and admission to institutions and development, but refferred to the political aspirations of the people of Jammu region also.

Jammu, with a population of 44% of the whole state, then was said to be represented by no more than 16% of the Secretariate Staff and even less in many other departments. There was said to be a similar disparity between sections within each community. For example non-Muslims of Jammu, who comprised 90% of the non-Muslims population of the state, had hardly one-third of the non-Muslim share in the administration. Likewise the share of the six lakh Muslims of Jammu out of so called Muslim quota was too negligible to be of any account.[40] "Communal basis also hided the genuine claims of the really backward and deserving in each community. As a result of this arbitrary method of reservation of jobs the backward areas of Jammu region such as Bani of Kathua Distt., Duda Basantgarh of Udhampur District, Dachan and Bhales of Doda district, and a number of pockets in Poonch and Rajouri district had suffered the most.[41]

Some people said to be aggrieved at being neglected as they belonged to a particular community. There was for instance, not a single gazzetted officer from the Gujjar community, which was almost one-fourth of the Muslims of Poonch district held one out of three gazetted posts. The entire Sikh Community was regarded as socially and educationally advanced and so ignored in the matter of its claims. It was pointed out that jobs were given on political grounds for working aganist the genuine interests of the communities and regions. The demand was that a specific policy of recruitment and promotion, with defined objectives along with procedures and the rules needed to be laid down. The policy must reconcile requirements of administrative efficiency, claims of backward classes and regions.[42] Ladakh, was, however, in quite a different category. Its scanty resource required a great deal of additional support from the state and the Union government. One should not forget that the resources of the state are admittedly quite inadequate for its needs and the union government had to supplement them to a considerable extent by giving grants-in-aid and loans.

Table 4. The table showing the grants and loans received From

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Central Govt. as assistance in six consecu

Year	Revenue receipts of the state	Grants	C / L
1960–61	12·58	3.14	
1961–62	12·59	9·48	
1962–63	17·64	7·68	1
1963–64	13·36	8·19	
1964–65	18·02	8·51	1
1965–66	19·76	11·91	1

The principal sources of state Revenu
(a) Forests, (b) road toll; (
(d) sales tax; (e) excise.

(Adopted from the J&K Commission of Inquiry December, 1968, p. 22.).

Table 5. The regional Breakup of These Resources.[44]

(In Lakhs of rupees)

Regions	1960–61	1963–64	1965–66
Jammu	389·21	462·51	453·98
Kashmir	322·94	490·38	461·50
Ladakh	2·89	5·04	5·72
Total	715·04	957·93	921·60

These figures indicated that allocations made to Jammu region and the Kashmir region were almost equal. But Ladakh was in quite a different category and required a great deal of additional support.

The Gajendargadkar Commission also got a study made by the state Governemnt of appointment of the planned expenditure for the three regions.

The table shwoing the allocation of expenditure[45] in second and third Five-Year Plans to different regions (in Lakhs of rupees).

Table 6. Allocation of Expenditure in Second and Third Five-Year

Table 14.
(In crores of rupees)

Years
1960-61
1961-62
1962-63
1963-64
1964-65
1965-66.

Table 5 in Lakhs of rupees.

Table 6 in Lakhs of rupees.

erent Regions.

Total plan expendi-ture	Jammu region	Kashmir region	Common to regions	Ladakh region
3,120·20	1,385·23	1,472·62	175·70	86·65
6,409·34	2,119·69	2,796·78	1,345·51	147·36
9,529·54	3,504·92	4,269·40	1,521·21	234·01

akh received a much smaller share than either the Jammu & ion and that between the Jammu and Kashmir regions, the latter had been 22% higher than that of the former.

pointed out that if similar study was undertaken for the 4th ns for the following years the gap between the rwo regions would become wider.[46]

In fact all areas in the state had not been equally affected by the process of economic growth. There were some backward pockets which did not receive the benefits of economic development to the desired extent. The state government itself agreed that "within the state there are pockets of extreme backwardness which have only marginally been touched by the planning process during the last two decades."[47] This is partly due to the conscious policy of making investment only where it is most efficient, where the income-investment ratio is the highest and where economic gains are quickest.[48]

Thus, there were glaring instances of inequality in the plan expenditure depending upon the seriousness of local compulsions and political considertions. The unimaginative planning created unemployment problem in the state and subsequently meeting fractional demands of job-seekers on political considerations. The middle and upper middle class unemployed raised the slogans of disparities. Moreover, the clamouring upper middle class of Jammu city and semi–urban fringe of Kathua, Samba, Udhampur and Poonch, adequately educated who failed to get admission to professional courses further complicated the probelm of regional tensions. Hence in the late sixties such instances of economic disparities among the regions of the state awakened public

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consciousness against the basic flaw in governmental policies.

The Table below indicates disproportion share of Jammu[48] and Ladakh in various categories in J&K Govt. on 1-4-67.[49]

Table 7. Disproportion Share of Jammu and Ladakh in Various Categories in J&K Govt. on 1-4-47.

	Jammu Region	Kashmir Region	Ladakh Region	Non State Subject	Total
Gazetted	1004	2028	27	58	3117
%	32	65	1	2	100
Non–Gazetted	23673	40512	1750	51	65986
%	36	61	3	—	100
Class IV	5250	7986	513	36	13785
%	38	58	4	—	100
Total	29927	50526	2290	145	82888
%	36	61	3	—	100

The state govt. for the first time in Triloki Nath Tiku vs the State of J&K,[50] enunciated its policy regarding claims of regions and religious Communities in govt. services. The govt. admitted that 50% of the posts were filled by Muslims of the entire state and 40% of them reverted to Hindus of Jammu. This was considered adequate to reduce imbalances between backward classes and progressive ones.

In these circumstances another commission, 'The J&K Commission of Inquiry" headed by Dr. P. B. Gajendragadkar was appointed by the state govemment in 1967 in consultation with the Union Government.[51] It was to make an assessment of the development programmes, apportioned to the various regions of the state; to examine the recruitment policies of the govt., to examine the policies of the state government regarding admissions to institutions of higher education and the scholarships and loans and to consider generally the causes that lead to regional irritations and tensions and to recommend remedial measures.[52]

However, the principal recommendations of the Gajendergadkar Commission to cure the regional irritations and tensions were -:[53]

There should be a statutory state development Board, and Regional Development Board for three Regions— Jammu, Kashmir and Ladakh. The latter to be headed by Chief Minister or the Planning Minister and should consist of legislatures from the regions, economists experts and concerned officials. This Board should draw up the regional plans, to assign priority to schemes and projects and to supervise the implementation of the regional plans.The Board should pay due regard to the special needs of the backward areas of their respective regions.

The State Development Board should be headed by the Chief Minister and be adequately represented by the regions. It sould scrutinise the regional plans, prepare residuary plan of schemes and projects which transcend regional boundaries or happened to be of an all–state interest and allocate plan funds equitably.

The State Development Board and each of the Regional Development Boards should prepare at the end of each year a report of their respective activities giving details of the progress of the plan programmes and plan expenditure. At the end of each plan, similar detailed reports should be prepared by the Boards indicating the physical and financial targets and the physical and financial achievements. All these reports should be laid before the Legislature as soon as might be after they were prepared.

Recruitment rules should be framed and promulgated and complete tabulated results of all competitive examinations held by PSC and other Receuitment Boards be published. The criteria to be adopted for determination of backward classes should be backwardness, the occupation, the place of habitation and caste in relation to Hindus. Reservation of services to be made for backward classes in proportion to their population but it should bot exceed 50%. Smimilarly, reservation for backward classes and Schedule castes be made in educational and professional institutions. There should also be provision for scholarship and study loans for them.

A convention should be established that if the Chief Miniter belonged to one region, there should be Dy. Chief Minister from the other, the number of Cabinet Ministers belonging to the two regions should be equal and a full-fledged cabinet Minister belonging to Ladakh.

The functions of each Head of the Department should be divided on regional basis. Each department should have a head and an Addittional Head. One of them should function in one region and the other in the other region. but Deptt. should be under the overall control of the main Head, when the High Court of J&K would function at Srinagar, there

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should be atleast one High Court judge stationed at Jammu. Similarly one High Court judge should be statioed at Srinagar in winter.

Some of the cadres should be district–based, certain others region–based and the balance state based. In district based Cadres transfers should be only within the district whereas in the region–based the transfers should be permissble only within the region. But members of state–based caders alone should be transferable anywhere within the state. The inferior and non–gazetted posts (other than supervisory) should be district–based, Spervisory non–gazetted both clerical and non–clerical should be in regional caders and class III and class IV gazetted posts should also be in the regional cadres. But residents of the entire state should be eligible for appointment to the posts included in any of these caders.

The members of the KAS, KCS (judicial) and KPS and such other state services should be liable to serve for a minimum specified period in each of the three regions of jammu, Kashmir and Ladakh.

A Regional Recruitment Board, to make recruitment to the regional cadres, to be set up for each of the Jammu, Kashmir regions. A District Recruitment Board to recriut the district cadres, should be set up for each district in the state including Ladakh. These Boards would fill up those posts which would be outside the purview of PSC.

There should be a separate full–fledged University in both the Jammu and Kashmir regions. As all the professional colleges were then located in Kashmir, it would be proper to open a new Medical College in Jammu. The question of starting an engineering college in the Jammu region might be considered when the need for a large number of engineering graduates was felt.

A degree college should be established immediately at Leh. Subsequently a college should be established at Kargil.

The government should review the entire policy of food grain prices, both for procurement and for issue and should introduce uniform prices for food grain throughout the Jammu and Kashmir regions. The quantum of rations issued at Srinagar and Jammu should also be uniform. In the Ladakh district too no distinction should be mde between 'Locals' and 'non-locals' government servants in the matter of ration allocation. The non-locals should be permitted to take the whole or part of the rice in the form of wheat atta if they so desired.

The status of Leh should be accorded due recognition as the headquarters of a vast region by the construction of suitable building and roads and provision of sanitary arrangements and other measures. The state government should also consider the request of the people of Ladakh for giving 'Ladakh' its due place in the formal name of the state. The single-line adminstration should also be revived in its entirety in Ladakh. The Deputy Commissioner should function as the Head of all departments in Ladakh and the Ladakh Affairs Secretary should be secretary for all subjects. He should work under the Minister of Ladakh Affairs.

The oustanding problems of refugees from non–liberated areas of the J&K state should be examined sympathetically so that their apprehension sight be allayed.

It seem that the regional imbalances was an politco-psycho-economic problem and the recommendations of the Gajendragadkar Commission had taken care of all these aspects of the problem. But unfortunately all the recommendations were not fully implemented. So the discontentment kept smouldering.

However, following the historic accord of 1975 between the Centre and Sheikh Mohammad Abdullah the new Government of the state intiated long–term measures to cut across the root causes that tended to promote disparities. The government took drastic steps to correct the imbalances whereever these existed. Decentralization of administration was a big leap in this direction, not only to cultivate a sense of belonging among the regions but among the varoius areas within the regions that had till then have been the victims of perpetual neglect. The background areas, thus, came under closer focus of incentive development in all walks of life. Unfortunatlely all these steps fell short of the insatiable aspirations of the large section of the population particularly in Ladakh and Jammu regions. The people of Jammu like that of Ladakh harboured the grievance that they were discriminated against. In civil secretariate only the number of employees working from Jammu was 418 against 1150 from Kashmir as on 31-2-1977. Thus, discontentment consequently took the form of gigantic movement of 1978.

As a prelude to the appointment of Sikri Commission rifle shooting by the state Police was resorted on December 2, 1978 in Poonch town of Jammu Division. The immedate cause of Poonch Agitation was so called, 'unfiair' selection of teachers by the Poonch District Recruitment Board. This aroused the feelings and sentiments of the citizens of Poonch to such an extent that a substantial majority indulged in Hartal and

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complete bandh. Their temper had hardly yet simmered down any prompt and appropriate action of the government when on 5th February, 1979, a second foray of bulletts pierced the bodies of five citizens of Poonch. Soon it assumed the proportion of regional agitation spearheaded by the All Party Jammu Committee representing major political parties viz., Congress (I), Congress (u), Janata Dal, Inqlabi National Conference, Democratic National Conference and Refugee Action Committee.

Soon they issued a charter of demands aiming at a greater share in political power and socio-economic development.[55] The State Government entered into a dialogue with agitation leaders. Sheikh Mohd. Abdullah the then C.M. informed the Committee that "Govt. has, in pursuance of the recommendations of the Legislatures Committee, decided to appoint a Committee of experts consisting of an economist of repute, a constitutional expert of high standard and an Administrator with sufficient experience to look into the question of regional imbalances in the field of development, services and admission to professional institutions and suggest measures, constitutional or otherwise, to remove the imbalanes and to ensure permanently a just and an equitable treatment to all the regions of the state and all the areas within the regions"[56] The negotiations ultimately culminated in the setting up of yet another Commission of Inquiry headed by a retired Chief Justice of Supreme Court, Justice, S. N. Sikri on 2nd June, 1979.[57]

The Communal complexion of representation in state services, thus, has been subject of perenial controversy in Kashmir politics. Only a small fraction of the minority communities is absorbed in the administration. The rest of the educated elites, like those of majority community, lack alternative avenues of employment because of the absence of big industries in the state. Moreover, a communty's share in government services here symbolises its political importance.

The table below indicates the share of Jammu and Ladakh in various categories of posts in J&K Govt., in 1979.[58]

Table 8. The Share of Jammu and Ladakh in Various Categories of Posts in J&K Govt., in 1979.

	Jammu region	Kashmir region	Ladakh region	Non–State subject	Total
Gazetted No	3373	4451	260	65	8149
%	41	55	3	1	100

Non- Gazetted No	37620	53017	3217	13	93867
%	49	57	3	—	100
Class IV No	9713	16881	783	—	27377
%	35	58	3	—	100
Total No	50706	74349	4269	78	129393
%	39	58	3	—	100

The main task of the Commission was to examine the question of imbalances not among the various regions but among the different areas termed as district adminstrative units within the regions as well. The term of reference related to development programmes and policies, recruitment to services and admission to the institutions of higher learning. The Commission invited representations and memoranda, and undertook extensive tours of various areas. In all 327 memoranda were received from all over the state, with 185 from Jammu region, 121 from the Kashmir region and 21 from Ladakh region. As for the district, the highest number of the memoranda came from Jammu followed by Srinagar, During the tour, the Commission recorded the evidences of 269 witnesses and met 98 groups comprising 689 persons. It held briefing sessions with 382 officials. With a view to ascertaining the views of people, the Commission maintained a mailing list of 569 addresses representing a cross-section of public opinion.[59]

The All Parties Jammu Committee, in its memorandum submitted to J&K Commission of Inquiry, 1979 (Sikri Commission) on 22-9-79, highlighted the Regional Imbalances in different fields such as Developmental, Recruitment and Admission to institutions of higher education. So far as Jammu's representation in different catogries of services were concerned, the memorandum pointed out[60] :

	Name of services	Kashmir	Jammu
1.	Indian Administrative Services	30	9
2.	Indian Police Service	19	4
3.	J&K Administrative Services (Sr. scale)	77	42
4.	District and session judges	13	6
II.	**Civil Secretariate**		
1.	Education	71	24
2.	Health	26	10
3.	Housing and urban development	44	24

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4.	Labour and Social Welfare	14	3
5.	Law	57	5
6.	Finance	44	20
7.	Home	43	7
8.	General	68	24
9.	Revenue	28	4
10.	Industries	38	4
11.	Administrative Reforms	16	1
12.	Works Department	52	20
13.	Planning	111	31
III. Education Department (Men Wing) :			
1.	Director	1	Nil
2.	Dy. Director	1	1
3.	Distt. Education Officer	8	1
4.	Principals, Higher Secondary School	48	15
5.	Tehsil Education Officer and Equivalent posts	36	16
6.	Head masters	397	2111
7.	Senior master	473	364
IV. Other Departments			
1.	Director of Agriculture	44	20
2.	Directorate of Education (Boys)	34	6
3.	Directorate of Education (Girls)	30	6
4.	Labour Commission	32	2

The Commission reported that except possibly the cooperative, primary education, health cover, Ladakh region appeared to be hadicapped in all other areas. Kashmir facced imbalance in nine areas– forestry, employment, expenditure on irrigation, small scale industries, cooperatives, education, health cover, live-stock and size of distribution of holdings. Jammu, on the other hand, faced imbalance in three areas— rural electrification, drinking water supply and roads.[61]

At the district level, the imbalance in all, save two areas, was highest in Kargil and Leh districts; followed by Rajouri and Poonch which faced imbalance in 12 areas, Doda 12, Kupwara and Udhampur 10 each, Baramulla and Kathua five and four respectively.[61]

The Commission slightly modified Gadgil formula, and recommended the allocations to be made i.e., 70% on the basis of population,10% on the basis of area, 10% for the backwardness of the specific area in relation to the population and remaining 10% on the basis of resources endownment.[63] In respect of Ladakh, the Commission adopted the reporting area as the basis for the allocation in relation to the area and recommended that to areas with short working season, the allotment of funds should be made on a two years basis. Setting up of small industrial units in Ladakh needed attention. Infrastructure for small scale indusrial units should be developed in Doda. Rajouri and Poonch which suffered from serious imbalance in that respect.[64]

On the allegations of discrimination and Inadequate representation in services, the Commission observed that in repect of the gazetted caders the disproportion had resulted from circumstances unrelated to any discriminatory policy or action of the government.[65] Kashmiri Pandits were alleged occupy a number of posts in departments like Education— out of all proprotions to their population.[66]

The Commission observed that in gazetted service, Jammu had 13% less share, in non-gazetted, 9% in class IV services, 7% less share. Kashmir had excess of 12% in gazetted, 8% in non-gazetted and 5% in class IV services. Ladakh was 1% short in gazetted services and 1% and 2% short respectively in other two categories of services. The Commission, therefore, recommended that improvement be made consistent with the maintenance of efficiency in the administration. It further recommended that for all district and divisional level posts in class IV recruitment must be made, as far as possible, from amongst local candidates only. It further recommend that better representation from the rural areas be given priority. Kashmiri Pandits so far had the lions share in every category of services which was quite disproportionate to their population. The Glancy Commission and the Gajendragadkar Commission were also un-ambiguous about this fact. The Commission also recommended that the government and recruitment agencies should make efforts to accelerate the trend in order to provide adequate representation to the schedule castes in government employment.[67]

So far admission to professional institutions was concerned, the Commision recommended a series of measures for correcting the disparities not only between the regions and districts but also between rural and urban areas also. The Commission recommended that more students from Jammu were admitted in Srinagar Medical College than vice-versa. It observed that the combined share of Ladakh had been adequate and in some cases more than adequate. The Commission

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recommended that admission to medical colleges— Jammu and Srinagar— be made on the basis of an admission examination to conducted for both Colleges jointly. Whereas admission to polytechnics, Agriculture college and Regional Engineering College should be made soley on the basis of the marks obtained at the qualifying examination which is conducted by a common board for the entire state.[68]

For other relevant issues the Commission recommended that "A State Development Board may be set up composed of the Chief Minister as chairman and some members of the State legislature as members and may be entrusted with supervision over the working of district development and funds for development expenditure, ensuring selection of meritorious boys and girls for special educational facilities and to report annually to the legislature on the working of the District Development Boards".[69]

The Constitution of such a State Development Board with State C.M. as its chairman and its members nominated by the state Legislature controlled by the National Conference, the majority party,will not serve any purpose. Where is the guarantee that such a Board (a mini-legislature) will function as a forum and will definitely generate the requisite feeling of equal participation and involvement of the people of the three regions. Will it not be more appropriate to convert all the 32 elected members of Jammu province (similarly 46 elected members from Kashmir) into regional council of respective areas with delegated powers? These councils should elect their own chairman. It should recommend to the legislature 'Regional Plan and also to act as plan performance and evaluation organisation. In this way the powers of existing legislature system will not be curtailed at all.

But Mr. Qadri was of the opinion that creation of a State Development Board alongside the existing district development boards would bring a sense of satisfaction in the integrated development of the state, among the people living in such regions and among the district adminstrative units within the regions.[70]

The Commission recommended that the imbalance favouring Leh against Kargil should be corrected.[77] Mr. S. P. Gupta, the President of three 21 members All Parties Jammu Committee said that the leaders of Jammu had expressed their unanimous dis–satisfaction with the report. The Committee also expressed its strong reaction to the Commission's failure to take due cognizance of the political questions involved and consider its demand for decentralization of political power and constitutional safeguards so as to ensure equitable distribution of resources for

development and due presentation in the services to the region which had lagged behind. While critcising the report the committee pointed out that it was full of glaring lapses, distortion of facts and illogical conclusions.[72] Even the Commission did accept the fact that feeling of political neglect and discrimination, real or imagined, from which certain regions of the state suffer, was the main cause of irritation and tension". Whereas all Parties in Jammu were of the view that "Jammu's discontentment on account of adequate share in political power, is the main cause of vitiating inter-regional relations and undermining the emotional integration of the state with the rest of India.[73]

Balraj Puri, while summing up his criticism of the findings of report of the commission said :

"The Sikri Commission, which was expected to provide a clue to the resolution of inter–regional tensions in the sensitive state of J&K, unfortunately does not offer more than a bundle of incongruities. It concede the fact of regional discontent but does not examine its causes. It rejects pleas for constitutional provisions to satisfy political aspiration of the people on the ground that such job was not assigned to it. It suggests 26 indicators to measure regional imbalances, but pronounces its judgement on the the basis of 12 indicators. It finds imbalance in share in government jobs and admission to professional institutions but hopes that these imbalances would be automatically corrected if the method of selection was made fairer which too is not explained." In short, even the Sikri Commission, like previous commissions could not passify the people of Jammu and Ladakh. The Commision rather said to have posed more problems than it had solved.[74]

Being fully aware of the regional irritations, discontantment and imbalances, real or imagined. Dr. Farooq Abdullah -just after his unaminous election as the leader of the ruling National Confrence Legislative party in September, 1982, declared that "his priorities would be to ensure speedier economic growth, strengthen the bonds of amity among various communities and regions of the state."[75]

However, the discontent in Jammu anf Ladakh regions could not be redressed and consequently it revived at the time of 7th Assembly Elections in May–June, 1983.

Mr. Vijay Kumar Malhotra while releasing the BJP Election Manifesto on 16th May, 1983, alleged that Jammu region had been discriminated against in all spheres of development during the last 35 years. The manifesto enumerated discriminations aganist Jammu, in political life, services, development and education fields. In the share of political power

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Jammu and Ladakh had been made to play second fiddle to Kashmiri leadership. To overcome the regional tensions and to create sense of equal patnership in the political resposibility, it is imperative that some constitutional safe-guards are provided to all the three regions of the state under Art. 370 of Indian onstitution. The party demanded that power be decentralized at regional, district, block and panchayat levels. It demanded constitutional safe-guards in respect of separate allocation of funds for development projects, share in services and admissions to professional institutions in the three regions of the state.[76]

Mr. A. B. Vajpayee alleged, discrimination aganist the two regions in his different election speeches in Jammu and said constitutional guarantee and autonomy was the only way to end it.[77] Even the then P. M. of India in her election speeches in Jammu also pointed out that all the three regions of the state must march ahead in unison while keping intact their distinct personlity.[78] The Congress (I) promised to re-orientate the whole planning to socio-economic development and to encompass the dimensions of regional development; and bring about harmony by nipping regional conflicts.[79] Mr. Bhim Singh, president of J&K Panthers Party, accused both the Central and State Govts. of adopting discriminating attitude aganist Jammu region, ever since the independence.[80] He added that central govt. too was hostile to the development of the Jammu region. Whereas the state rulers were pursuing anti-Jammu policies, Dr. Anant Ram Shastri, convener of National Front pointed out that the people at Jammu were fed up with step motherly treatment to them and their region by Kashmiri leadership. He went to the extent to demand the separation of Jammu from Kashmir within the framework of the India Constitution.[81]

Maharaja Dr. Karan Singh (M.P.) also has stressed for the immediate implementation of the recommendations of the Gajendragadkar and Sikri commissions so as to provide equal opportunities for the development of the three regions of the state. He further suggested that Jammu and Ladakh should enjoy the same facilities as were being enjoyed by Kashmir under Art. 370 of the Constitution of India.[82]

But the National Conference leaders strongly refuted the charges of regional discriminations and regional imbalances. The party Election Manifesto, however, assured the people of the state[83] for balanced and harmonious development of regional languages and cultures of all the regions and sub-regions of the stste. Dr. Farooq Abdullah, in whom and in whose party the people of the state reposed their confidence again in June Elections of 1983 in his first historic public speech in Iqbal Park Srinagar, after becoming C.M. a second time, "denied that his party had

ever given stepmotherly treatment to the people of Jammu and Ladakh". He, however, asserted again that the new government would be equal to all the three regions of the state in the matters of finances and develoment.[84] The Chief Minister, when came to Jammu for the first time, after the June 5, assembly elections,assured the people again that his govt. would not discriminate against them and their region and it determined to remove the poverty and backwardness of Jammu region.[85]

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   "That the number of Mullas employed in the existing 300 shcools should be increased by one hundered, the advocate further that there should be Mullas in two thirds of the new schools moreover they shpuld not be liable to unnecessary transfers."
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9

INTER-REGIONAL AND INTRA-REGIONAL CONFLICTS : IRRITANTS AND TENSIONS IN JAMMU AND KASHMIR SINCE INDEPENDENCE

As already said that the state of Jammu and Kashmir is a union of the three geograpically dislocated, culturally dissimilar and linguistically distinct regions viz Kashmir Valley, Jammu and Ladakh. The political and emotional divergence between these have been, thus, growing over the years. As there also exists communal dicotonomy, regionalism, an awareness of one's own cultural heritage, historical traditions and a sense of political individually, there have been contradictions and controversies, turmoils and clashes of conflicting intersets of different regions. Although the force behind the political union for administrative convenience of such a diverisified regions was Maharaja Gulab Singh— the Dogra overlord-who kept the whole of Dogra Pradesh (Jammu), Kashmir and Ladakh under control per force, yet no serious attempt had so far been made for cohesion, solidarity and integration of the people of these regions by the fustion of their distinct streams of culture, ways of life and thoughts.

However, the general picture of a geo-political profile of the Kashmir State clearly points out that it is not homogeneous but heterogeneous in nature. Its heterogeneity actually lies in the multiplicity of its religions, languages, races, regional and sub-regional cultures, ethnic compositions, and over the years growing political and cultural divergence among its various regions viz Jammu, Kashmir and Ladakh.

As said earlier all this resulted in not only sharpening of the regional indentities, but also the absence of the inter–regional, inter–communal political party deriving its legitimacy from all the three regions of the State. Despite an uninterrupted one party dominant rule in the State since independence, its heterogeneity has helped in developing in each of the region its distinct and aggressive political entity and also its divergent political aspirations without carying for the interests of other

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two regions.

As the geo-political position of the State of J&K is so strategic and delicate, the regional diversities in different aspects led to fragmentation and complication of politics of the State as well strengthening the adversaries within and also across the borders touching it.

As already pointed out unfortunately Kashmiri leaders during their struggle against autocracy, often insisted on calling Maharaja Hari Singh's— (the last dogra ruler) rule in the State as Dogra rule. They forget that Dogra was not only the name of the then ruling family, but also the community living in Jammu region. They, thus, alienated the Dogra people. At the same time the popular sentiments in Jammu region, believing the Maharaja as the symbol of their security against the majority community, particularly of Kashmir region, linked their fate and security with the region, therefore, believing the Maharaja as a political and cultural symbol, sided with him in his attempt to retain more and more power in per-independence period. It seemed to Dogra nationalists that prospects of democracy in the state would be nothing more than being exposed to the whims of a permanent majority (i.e. Kashmiri Muslims) of the state and its leadership. They, thus, opposed the very basis of Kashmir's struggle for Freedom. Moreover, the open condemnation of Dogra Maharaja by the Kashmir leadership, not only created but hardened Jammu distrust aganist Kashmiri leadership. The Dogras of Jammu, therefore, opposed every political move from the valley without evaluating its plus and minus points. They, in short, played a negative role throughout the period of struggle for freedom against autocracy in Kashmir. Once again I may point out that, the post–independence politics of Jammu appeared to be based on both inter–regional and intra-regional conflicts.The HIndu dominated belt of Jammu had found its effective expression in the HIndu dominated party known as The All Jammu And Kashmir Praja Parishad , which first sought the security of Dogras in the retention of the Maharaja as a Constitutional Head of the State and then favour full accession of the state with Indian Union, and opposed the creating of special status to Kashmir. The ouster of Maharaja, and subsequently abolition of monarchy, further deepened the distrust of the Dogras of Jammu against Kashmir leadership.As said earlier, they even opposed the most needed and most radical reforms of the National Conference govt. such as grant of Fixity of Tenure to the tenants in respect of Tendency holdings, fixation of the maximum rent payable by the tenant to his landlord, providing for summary reinstatement of a tenant, who hade been wrongfully ejected; restitution of mortgaged propeties; relief under the Distressed Debtors Act, Abolition of Jagirs, Muffasils and Mukararies; and even the Big Landed Estate Abolition Act of 1950. They under the banner of Praja

Parishad— the principal opposition party, most vocal instrument of its protest and most authentic voice of Jammu— opposed the incorporation of Article 370 in the Indian Constitution under which state secured a special status. They raised the slogans EK Pradhan, Ek Vidhan and Ek Nishan.

They were, however, not in mood of raising the vioce for rights of Jammu Vis-a-vis that of Kashmir by narrowing down their demands to such a limit. They even lost the confidence of Jammu Muslims. The Dogra nationalists were opposed to the convening of the State Constituent Assembly and framing a separate constitution for it. It may not be out of place to mention again that due to their minority against Indian majority, the Kashmir nationalists, on the other hand, wanted maximum autonomy, stood for limited accession of the State with Indian Union, making Article 370 as a permanent feature of the Indian Constitution. Sheikh Mohammad Abdullah, in his letter to Dr. Mukerjee dated 4th February, 1953, made it quiet clear that so far as Kashmiris were concerned, they had maintained that the special ,position accorded to the State could alone be the source of a growing unity and closer association between the State and India. He further stressed that if that basis of relationship was unilaterly altered, certain dire consequences were bound to follow. In 1949, Sheikh Abdullah's Cabinet consisted of only one Cabinet Minister from Jammu and though the position improved marginally under subsequent regimes the fact remained that the effective political and economic power remained to be vested in Kashmir.

Intra-regional tensions as well as fear of dominance of one region over the other was mainfest once again during the elections of Kashmir Constituent Assembly in 1951. The Dogras of Jammu charged that in official policies, assistance to economic development, recruitment and promotion in administration, Jammu was discriminated aganist. Even Dr. Karan Singh (Sadar-i-Riyasat) had also confirmed it.

The Dogra nationalists pleaded for the transfer of more and more powers from Kashmir to Delhi rather than powers for Jammu itself. They even did not thought collectively about the whole of the State of J&K and their place in it. Rather they made anti-Kashmir, anti-Sheikh, anti-autonomy speeches. The regional sentiments, therefore, helped to fragment popular discontent and religional tension brought their regional cordiality to an end. Meanwhile Kaushak Bakula and a member of Constituent Assembly— demanded for a statutory provision for Ladakh in future constitution of the State. A section people of Doda district led by A.G. Goni also stressed that Doda district should also be given a status of a cultural unit. As already said that they demanded that State

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to be divided into as many as five cultural units, each with equal status and to enjoy autonomy in the conduct of their internal affairs. Even Dr. Mukerjee in his letter to Sheikh Abdullah dated 4.2.1953 confirmed the sense of insecurity among the Jammu Hindus and in his letter to Pt. Nehru of 12.2.1953 suggested the grant of provincial autonomy to Jammu and Ladakh without the change of boundaries. Pt. Nehru, too, in his reply to Mukerjee, appreciated the idea of regional autonomy. Sheikh Abdullah while broadcasting from Radio Kashmir, Srinagar on April 17, 1953 also proposed to give autonomy to the different cultural units of the state. The idea seemed to be that a measure of autonomy in their internal affairs would remove the fears of each of these units aganist the others and would provide a moral, natural and non-communal impetus for a sense of belonging which alone could effectively help in integration of the state with the Indian Union.

But when the Basic Principles Committee of the Constituent Assembly was instructed to study this idea and make recommendations accordingly, the integrationists of Jammu rejected this idea. Perhaps their policy for the search of security induced them to follow a negative approach and to agitate for highly unified constitution. In the sismilar manner they opposed Sadar-i-Riyasat as the head of the State, a separate emblem and a separate flag for the State. They regarded these as counter to their concept of a strong united centre. Such a stand of Jammu guaranted reaction in the Valley and provoked some of the Kashmiris to consolidate cessionlist groups and to form cessionist party. B. P. Sharma, therefore, rightly pointed out that the role of Jammu and Kashmir in State politics was complementary to each other though unwillingly. Even Mr. Gurcharan Singh Bhatia as early as in 1953 siad, "National Conference and Praja Parishad represent urges of the aggressive local nationalism of Kashmir and Jammu repectively. The outbursts of the Kashmiri leaders aganist Jammu help Praja Parishad in mobilising the public support while anti-Kashmir compaign of the Praja Parishad simply provokes and intensifies Kashmiri nationalism of which Shiekh Abdullah is the hero." Balraj Puri while confirming the same view righly pointed out that the Praja Parishad and the National Conference by polarising the politics of the State helped each other in consolidating their hold on their respective communities.

Suddenly, as said earlier, inflammatory reports spread that Sheikh was thinking to declare Kashmir an independent state the idea of which said to have been mooted by Americans statesmen, Mrs. and Mr. Henderson and Stevenson during their visit to Kashmir in May, 1953. The tragedy was that Sheikh Abdullah was misunderstood and his urge for maximum autonomy for the state just taken for independence. All

along he tried to aviod the disintegration of the State. That was why, in order to accommodate the wishes of the masses of the different regional and cultural units of the state he and his colleagues were working to create a republic, within a republic . Even Shri Amar Kashtriya Prantic Sabha, Jammu opposed the idea of a republic within the republic and the adoption of State emblem. It also termed the Consembly of Kashmir as bogus Consembly.

Meanwhile with the sudden death of Dr. S. P. Mukerjee in detention, the whole northern India plunged into profound grief and submerged by a kind of Anti-Nehru and Anti-Abdullah wave. Praja Parishad refused to believe that death occurred in natural circumstances and charged Sheikh Abdullah as murderer in spite of the fact he pleaded to be innocent.

However, the first popular elected Sheikh Ministry was dismissed on 8th August, 1953 and Sheikh along with his other supporters were arrested on 9th August. But Sheikh's political martyrdom made him a popular hero of Kashmir once agian. Bakshi, who succeeded Sheikh, while broadcasting from Radio Kashmir on 21st August, 1953 declared, "the rights and privileges that we secure for the state as a whole have to be shared in equal measure by the people of its different parts; the Government would secure equal share of its beneficent activities to the people of various constituent units of the State and safeguard representation of all regions in every sphere of administration and social life."

As already pointed out that Dogra nationalists, on the other hand, seemed to be pacified with the fall of first Sheikh Ministry and his arrest. That was, its leaders easily fell in the trap of Bakshi who required their support to consolidate his political position. Pt. Prem Nath Dogra in his letter to Bakshi dated 1-2-1954 reminded him of his assurances made to him and pleaded for their fulfilment.

However, the reconstituted Basic Principles Committee submitted report to the Constituent Assembly which was adopted unanimously with minor amendment on 6th Feburary, 1954. Pt. Prem Nath Dogra in 15-pages memorandum submitted to the President of India on the first April, 1954 raised a number of objections aganist the constitutional proposals. Here again he demanded the shift of more powers from Kashmir to the Central Government rather than demanding the sharing of the political powers with Kashmir. Bakshi, however, succeeded in creating defection within Praja Parishad by distributing favours to some of its leaders and thus tried to weaken the party.

When the State Constitution was framed, there had been a realization of the inter-regional tensions and a half hearted attempt to meet it had

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been made by providing for parity between the two regions in the 36-member Legislative Council. But this was never followed to its logical conclusion and Jammu remained very much a political colony of Kashmiri leadership.

Even after the merger of Praja Parishad in Jana Sangh in 1964 the Dogra nationalists of Jammu continued to play a negative role. They were always worried about the shift of more and more powers from Kashmir to Delhi but never thought and fought for Jammu's status within the state. Some of the individuals and group even within the All J&K National Conference, though in minority, did try in a submissive manner, for the recognition of Jammu's regional autonomy as well as its equitable share in the power structure of the state as early as in 1949. (e.g. Balraj Puri, Gopal Dutt Mengi, Jotshi Ram Krishan etc.) But they were subsequently expelled from the party. The J&K Youth Conference and Friends of New Kashmir, Delhi, the Socialist groups, later on P.S.P., Jammu Autonomy Forum, a group of Jana Sangh workers lead by S. Bachan Singh Panchi. Balraj Puri in J&K State People"s Convention in October 1968 also tried to articulate Jammu's regional urges on secular lines. Their main emphasis was that whatever measures of auronomy had been promised to the State within Indain Union should also be conceded to Jammu region. The consensus of the people's convention was that any solution of the State's future should be peaceful, democratic, just and realistic and keeping in view the interests of all the regions and set at rest controversy which was one of sources of tensions in the inter-regional relations.

Dr. Karan Singh, in a statement to London Time in May, 1968 had proposed linguistic reorganisation of the State and merger of Jammu with adjoining H. P. But the idea was not welcomed and received severe attack from almost the entire political spectrum. Jana Sangh leadership pointed out that by isolating Kashmir, the Muslims would be so preponderant that we would lose it to Pakistan. Whereas Communist leaders thought that 'it was a part of sinister Amercian Plot." Mr. Sadiq, the then Chief Minister, called it an important idea which was fraught with dangerous consequences, and should be resisted with all might.

The idea of regional autonomy within the framework of the State was also endrosed by 130 prominent state citizens belonging to all walks of life and communities including politicains, doctors and advocates. But almost all the political parties and the centre opposed this idea.

With regrets it is to be pointed out that Jammu protests and sacrifies during all the years got into a defeatist channel. The Dogra nationalists

failed to understand that the lack of adequate share in political power was one of the basic problems of Jammu. Jammu needed the safeguards within the State on precisely the same grounds on which Kashmir feels the need within Indian Union.

India, too, played a negative role. The Indian leadership always thought that Jammu and Ladakh had no other option except India. Whenever, therefore, people of Jammu raised their voice for their rights, they were dubbed by them as communalist. Their eyes were always focussed on valley in order to improve their secular image in the world. Whatever concessions were given, these were given to the valley and they did not bother much for Jammu and Ladakh.

The Gajendragadkar Commission, appointed by the then State Government, in consultation with Union Govt. on 6th November, 1967 submitted its report on November 29, 1968. The Commission had made a positive contribution to the debate on inter-regional relatoins in the two major aspects. Firstly, it stressed the need for recognition of regional indentities in various fields of governmental activities. Secondly while recognizing the paramountcy of political aspirations of regions, conceded that even if all the matters were equitably settled down among the regions, there would still be some measures of discontentment unless the political aspirations of the different regions of the state were fully satisfied. In order to satisfy the political urges of the regions, the Commission recommended for the establishment of a convention that if Chief Minister belonged to one region, there should be Dy. Chief Minister belonging to the ohter. Moreover, the number of Cabinet Minister belonging to the regions— Jammu and Kashmir— should be equal and a full fledged Cabinet Minister from Ladakh be in the state Cabinet. Unfortunately, the State Government still continued its policy of inaction on the report and all its recommendations were not fully implemented.

The atrocities committed by the Pak armies on their Muslim brothren in civil war in East Pakistan, the asistance rendered by India to them and subsequent emergence of Bangladesh as an independent country had a considerable effect on Kashmir politics. It strengthened the secular forces, reduced the bargaining capacity of the Kashmiri leaders to balance India and Pakistan, created popular disillusionment with Pakistan and resurgence of regional patriotism against the appeal of Muslim solidarity. Thus Indo-Pak war of 1971 and emergences of Bangladesh created favourable atmosphere for the negotiations between Kashmiri and Indian leadership to sort out differences.

However, after 22 years the wisdom dawned upon the Indian leaders

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once again that Sheikh Abdullah was an undisputed leader of the valley and the only person who could set rest most of the controversies about Kashmir accession and others. The negotiations between P.M. and Sheikh Abdullah thus started and resulted into Indira-Shiekh accord of 1975.

For over half a century, till his death Sheikh Abdullah symbolized the aspirations of regional nationlism of Kashmir. He could, therefore, had the capacity to settle the problem of inter-regional relations. In the last phase of his life he reacted sharply even to the slightest provocation from Jammu region. For instance, when Dr. Karan Singh in December 1978 said, "If State Government did not take Jammu situation with understanding and sympathy, it would lead to separation of Jammu from Kashmir Valley." Sheikh Abdullah reacted quickly and said, "If the majority of people in Jammu region believed that they could progress by carving out a separate state of Jammu, then there was nothing to stop them and we must part as frientds."

Even in post Indira-Shiekh accord of 1975 when Sheikh accepted the finality of State accession to India and disbanded Plebiscite Front, instead of fighting for the right of Jammu, the Congress Party supported Sheikh Abdullah and his regime. But due to the opposition of Jana Sangh and Congress Parties in Jammu he even could not implement the decisions of J&K State People's Convention of 1968 relating to inter-regional relationship.

The recently organised Jammu Mukti Morcha, an organisation of some of newly emerging political elites of Jammu, believes that with the backing of the Central Government the Kashmiri rulers have always manipulated their permanent dominating positions in all walks of life and, thus, denied jammu its due shared in political power and economic development of the state. They, therefore, believe that the only remedy of all ills of inter-regional relations of the state is its trifurcation. This idea, too, is being opposed by the intergrationists, autonomists and fundamentalist parties and groups within as well as outside the State.

While summing up I may say that Kashmiri leadership right from Shiekh Mohammad Abdullah down to Dr. Farooq Abdullah was never serious to share political powers with the other two regions of the state. Even in employment and developmental matters the people of Jammu and Ladakh have been constantly denied their legitimate and due share. The real hunger of the two regions— Jammu and Ladakh, has been the sharing of political power with Valley. The only remedy of the inter-regional distrust, irritations and tensions is, therefore, the equitable division of political power among the three prinicipal regions of the State through a

mechanism acceptable to the people of each of these regions.

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10

THE LEFTIST AND RIGHTIST PARTY POLICITCS IN JAMMU AND KASHMIR

For over the last several centuries, the organization and conduct of politics in the west have been complicated by the development of Political Parties and specific institutions for legislation, administration and adjudication. In earlier days government was simple because the society was simple as it had static social structures, agrarian economy and largely self-sufficient community of citizens. When the society of today has becme highly urbanized, economy is geared up for industrial production and many citizens turn to government for the services, big governments are organised. As a result the opportunities for political conflicts have increased along with the economic development and created new values, attitudes, interests and the proliferation of ideologies. All these reflect fundamental changes in our way of life and in the organisation of our society and government.[1]

Owing to their important role in politics, contemporary political systems, whether totalitaria or democratic, developed or under-developed, large or small have turned to party system as an essential institution of the political systems.[2]

However, Political Parties advocating political and social change run in a spectrum from Left to Right. Although these terms still allow people and parties to place themselves in a contemporary sepectrum suggesting a general thrust and direction rather than specific policies yet all the political ideas that have gone into shaping our modern world none has gained wider usage or wielded greater influence than the 'Right - Left' concept of political relationship. In other words, this is the concept that visualises our political world as a spectrum stretching between two polar extremes - the extremes left denoting revolutionary radicalism and extreme right denoting revolutionary reactionism. The various political schools of thought are, therefore, ranged between the colours of spectrum according to the intensity of their tendencies.[3]

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The term 'Right' stands for the preservation and maintenance of the old or living. It includes those movements and parties that are critical of popular government, oppose the bright plans of reformers and do-gooders and draw particular support from men with sizable stake in the established order.[4] Right, among other things, means conservatism and lays stress on human weakness than in perfectibility. The rightists, therefore, favour patriotism, traditions, strong government and non-interference by the state in the economic matters.[5] They are sometimes denounced for being reactionary, static, irrational, conservative and status-quoist.[6] Sometimes this term is associated with the people preaching religious fundamentalism as we see in the developing world.

The 'Left', on the other hand, is opposite of the 'Right'. It denotes negation, protest, revolt and aims at the overthrowing of existing order. The left desires change by negating, destroying or overthrowing of the existing system by denouncing it as irrational, obscurantist, utopia, romantic and the like. The 'Left is, thus, generally understood to include those movements and parties that demand wider popular participation in government, push activity for reforms, and draw particular support from the disinherited, dislocated and disgruntled elements.[7]

Prof. Jha, while explaining the differences between the 'Left' and 'Right' concepts points out "The Left negates existing reality, the Right affirms it; the Left is revolutionary, the Right conservative; the Left needs utopia, the Right trick, the Left strives to change the actual conditions, the Right idealises them, the Left adopts an attitude of permanent revisionism towards reality, the Right for opportunism, the Left stands for mobility, the Right for tactics, the Left clamours for adherence to priniciples, the Right for power and finally, the Left is provoked by conditions, the Right by the actions and threats of life."[8]

The conceptual dichotomy between ideological Left and Right probably derived from earlier days of political organisation in England when the King, sitting in council, arranged his closest supporters near his right hand, typically the stronger of the two hands. The Right thus included his most trusted advisers and those responsible for various administrative tasks of the state. Those used to sit to the left of the King were not necessarily opposed to his rule but they frequently represented alternative points of view on governmental policies.[9]

Another version is that the Left-Right terminology came in politics from France sometime towards the end of the 18th century i.e. during the French Revolution of 1789 when the King and the parliament struggled for supremacy. Some are of the view that these terms go back to the

days of the First French Republic when the deputies used to be seated according to their political colouration in a continuous semi-circle from the most anti-royalist, radical and equalitarian on the left to the most moderate, aristocrat and the King's strongest supporters on the right. The leftists were the persons who were interested in reforming French Society and men through institutional measures whereas the rightist were the Kings strongest supporters. In other words the identification of the Left with advocacy of social reforms and equalitarianism and the right with aristocracy and conservatism.[10]

For a long time the division of parties on 'Left'-'Right' basis did not not exist because the parties were deprived of any real political life. Even their ideologies did not grow out of their own historical experiences but were to a large degree imposed upon them regardless of experiences. The division into 'Left' and 'Right' was drawn only when the political life of the party came into being. The split took place according to positions on the problems that always divided movements or political parties into a "Left" and a 'Right".

But the terms "Right" and "Left" have different connotations in different countries suiting their respective political conditions.

The 'Right' in England now a days is the Conservative Party as it stands for the preservation of British Institutions such as Queen and the Commonwealth, cherishes British traditions,believes in the improvement of the efficiency of the private sector while shielding the less-privileged from exploitation and feels concerned for the middle and upper classes. But the Labour Party is regarded as the party with the left leaning because it advocates nationalisation of means of production, greater spending on social services and high progressive taxation, socialistic objectives, abolition of class-differences, equal distribution of the national income, the replacement of social injustice and exploitation by a happier and a more just set of social relationship in the capitalistic system. In the U.S.A the Democratic Party is branded as the party with left image leaving the title of 'Right' for the Republican Party. In modern France, the left parties are communist and other socialist parties. The Communist Party is generally a working class party whereas Socialist Party is the defender of democratic institutions. The Gaullists, alongwith independents, on the other hand, represent the 'Rightist' forces. The left and the Right have a long history in the erestwhile U.S.S.R. Even before dismemberment of U.S.S.R., there were two strong factions in the Communist Party. Boris Yeltsin represents the leftist faction of the party and criticised Gorbachev for being half-hearted in his approach to many acute problems then facing the country. Yegor Ligachev and Chebbrikov

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represented the Right wing of the Communist Party as they bitterly opposed the policy of reforms then initiated by Comrade Gorbachev.

In the developing world these 'Left' and 'Right' terms have not been used and interpreted by the politicains in the same way as in the West and the Socialist World. The 'Rightist' parties in the developing world, including India, are fundamentalist in their thinking and behaviour, infuse and propogate religious feelings and exploit masses on the basis of religion. The left political parties, on the other hand, are those which support progressive policies and are anti-religious and anti-fundamentalist in their outlook as well as in behaviour and support secularim, democracy and progressive policies, public ownership, equal distribution of economic resources and liquidation of all sorts of exploitation. Thus, The Communist party of India; The CPI (M); The CPI (M.L.) and Inter-nationalist Democratic Party have been the major leftist parties at work on the political scene of the state from time to time during the last sixty years.

The Communist Party in Kashmir: Its Origin, Politics and Role

The Communist Party is an All India Party and aims at the establishment of a socialistic society on the basis of Marxism through capture of power by the workers and the establishment of a proletariat state. It is playing the same role in the Jammu and Kashmir state as that of its parent organisation in India.

However, the origin and development of the leftist sentiments, feeling and ideas among the progressive Kashmiris elites, initiated firstly by Dr. K. M. Ashraf- a leading Merxist intellectual from British India, were closely related to the Socio-Politico-Economic conditions prevalent in the state as early as 1930. Moreover the Communist Party of India turned its attention to Kashmir in 1937 when the two prominent Moscow trained workers from Lahore - Prof, Abdullah Safdar and Fazal Illahi Kurban began visiting the valley frequently and contacted some of the leaders of the Muslim Conference[11]. For the first time, the Communist infilitration in Kashmir, thus, started in the wake of widespread arrests in British India of the Red workers in the earlier period of World War Second, when a number of them had gone underground and sought refuge in various parts of the state.[12] Ajay Ghosh, Prof. Abdullah Safdar, Ehsay Elahi Qurban and several others prominent communists were among them.[13]

Resolving not to have a regular unit of the Communist Party of India, and functioning within the All Jammu And Kashmir National Conference in the form of Free Thinkers Club, Study Circle, Indo-Soviet-Freindship Society, Trade Union Movement, Progressive Writers League, The National Cultural Front, Democrative National Conference etc. the comrades had

tried to infuse the radical ideas among the Kashmiri intellictuals, literary circles and the then newly emerging leadership.

In those days it was considered to be an act of patriotism to provide protection to every enemy of the British, and the National Conference workers of Kashmir provided valuable contacts to the Red leaders. G.M. Sadiq, G.L. Dogra, G.M. Qarra and others were supposed to be the products of those contacts.[14]

After 1942 the 'undergrounds came' overground and were joined by a host of others and by then they had become the "favourities" of the British Govt.

In spite of the many favourable conditions under which the communists had worked in the state, they did not cut much ice during 1942-1945 period. Neither their slogan of the "People's wars' nor their support to the Muslim League and its demand for Pakistan against Congress had brought them much credit, nor did it find favour with any of the Kashmir Leaders. But there were ample oppurtunities for them to mix up with the political movements and their efforts were aimed at 'encircling' Sheikh Mohammad Abdullah and influencing him ideologically. The Bedis (BPL Bedi and Mrs Frada Bedi) had taken up this special job.[15] In 1944 the National Conference adopted an economic programme popularly known as the New Kashmir Plan, which was widely regarded as having been drafted by Mr. B.P.L. Bedi.[16]

In May, 1946 when Sheikh Mohd. Abdullah launched the Quit Kashmir movement aganist the ruler of the state, the communists enthusiastically supported him.[17] From 1946 onwards, it was all smooth-sailing for the communists in Kashmir. Most of them escaped the imprisonment net which Prime Minister, Ramchandra Kak had spread over the entire Kashmir Valley in the days of the 'Quit Kashmir' agitation. At a particular stage in the progress of the movement communists made a planned attempt, to infiltrate into the Jails. Some of them like Narinjan Raina, Moti Misri, R.C. Raina, Pran Nath Jalali and others, then studying in some of the Indian Universities, were summoned and asked to court arrest and to indoctrinate the national conference workers inside the Jails. G.M. Sadiq, who was at Lahore maintained the liaison with the Indian Comrades and interpreted the Quit Kashmir movement to the outside world.[18]

The relatives of the political prisoners were given an allowance out of the National Conference funds for their maintenance. But it was mostly at the suggestions of the communist cells, formed inside the jails that the group outside, headed by Qarra, had doled out that favour.[19] These

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monetary inducements made the indoctrination within the jails more effective. Mr. Rajni Palme Dutt had also visited Kashmir to make his own contribution in the Quit Kashmir movement and paid tribute to Sheikh Abdullah calling him the most clear-headed leader of India. They not only tried to influence Shiekh Abdullah, but also made efforts to derive a wedge between him and the other non-communist leaders[20].When Sheikh Abdullah urged the ruler to restore democratic government to the people first and then decide, in accordance with their wishes alone, the problem of the state accession to India or to Pakistan in 1947, the communists supported Shiekh Abdullah's release before the decision on the question of the state's accession was taken.[21]

Even after the accession, the Communist party ardently endorsed the proposal for plebiscite in Kashmir. They supported the right of self-determination for the people of Kashmir and to fight aganist all those who opposed it.[22] The following year 'Cross-road's communist weekly from Bombay supported the demand for Kashmir Independence as one which reflected the uttermost desire of the Kashmir people and was made with the intention of galvanising them once again.[23] Jagan Nath Sathu pointed out that on accession issue, the opinion among the communist party members was divided. Majority of the Muslim Comrades favoured Kashmir's accession to Pakistan whereas all the Non-Muslims advocated states accession to India.[24]

The fatal events of 1947 moved too rapidly to enable the communist to adjust themselves to the situation. The communists in Kashmir did not find situation favourable for states's accession to Pakistan, G.M. Sadiq went to Lahore and opened negotiations with Liaquat Ali. He conveyed to Pak leaders the attitude of Kashmiri people and their leaders particularly Sheikh Abdullah. But Pak-Leaders did not rely on Sadiq, and so they let loose the tribal hordes on the State, and thus closed all avenues of negotiations.[25]

The tansfer of power in British India was, however, followed by setting up Emergency Administration in the Stae, in which communists got a representation out of all proportion to their importance or strength, G.M. Sadiq, M.D. Qarra, and C.L. Dogra were the members of the Emergency Council.[26]

For a while, the communists found the entire field in Kashmir lay blank for them to fill in. Shiekh Abdullah had gone to represent India at United Nations Organisation. Bakshi was exclusively devoted to the affairs of Jammu. Maulana Mohd. Sayeed, on the other hand, was at Uri-Handwara front-a bullet struck him and he was in hospital for treatment. G.M. Sadiq officiated as the head of the administration in Srinagar. Two

important institutions had sprung up— The 'cultural Front' and the 'Militia'. Communists were busy in organising a kind of 'Red Army' and 'People's Culture'. Comrades became 'Colonels' and 'Brigadirs' overnight. 'Lots of rifles and ammunition were collected from the civilian Sources, police stocks and Indian Army. More-over, at the time of retreat of the tribesmen from Kashmir State, they left behind them a considerable stock of arms and ammunition at Darhal in Rajouri district. Com. Krishan Dev Sethi and Com Trilok Chand were reported to have seized that stock and a portion of it was sent to the communists of Pakistan.[27]

The new chapter was opened in the history of Kashmir in March 1948 with the swearing in of the popular ministers. The Reds at once adjusted their tactics to suit the new situation. They splitted into two groups. One headed by G.M. Sadiq and G.L. Dogra, who joined the Government, while other, led by G.M. Qarra, who played a role of opposition to the new regime. Though apparently opposed to each other, both groups were loyal to Communist Party of India and to international Communism. By and by two groups drifted apart for certain resons. The issue of state accession was one of them. G.M. Qarra, Moti Misri and Pran Nath Jalai supported Pakistan but others opposed it. For bringing about a reconcilation between the two groups Comrade Dhanwantri was deputed. By the influence of his personality, Dhanwantri was able to win the allegiance of M.A. Beg and Sardar Budh Singh. Thus in a Cabinet of eight, four Sadiq, Beg, Budh Singh and Dogra-were grouped together under the leadership of Dhanwantri. Sheikh Abdullah, also seemed to be impressed by the 'Political integrity' and the intellectual superiority of this group over the other which consisted of Bakshi, Sham Lal Saraf, and Col. Pir Mohd. Moreover, the Bedis were also quite thick with Sheikh. R.C. Raina, P.A. to Shiekh also played a role, in influencing him from the communist angle.[28] One version was that it were they who first injected the germs of the fancy of an 'independent Kashmir' into the body-politics of Kashmir. They were also responsible in splitting up our nationalism into 'India' and 'Kashmir' and kept the two as mutually distinct and irreconcilable as possible. In this game Comrade Dhanwantri played a very vital role.[29]

Jammu was represented in the Cabinet and in key positions of the administration by the communists who hardly possessed any representative character. They were said to be reposible for selection of National Conference candidates for the Consembly elections and the scandalous rejection of the nomination papers of the entire body of Non-Conference candidates. This act not only aroused deep popular indignation in Jammu but also affected the representative character and quality of the Consembly.[30]

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Sadiq, who had little hope of getting the National Conference ticket for Consembly election because of unpopularity with the rank and file of the organisation was not only got elected but was made the President of the Consembly. The communists, thus, had ocupied one of the highest office in the Govemment. The Consembly in the early stages seemed to be divided into three groups-a Muslim Communal group with secret sympathies for Pakistan (Shamiri, Mubarak Shah and Assad-Ullah Mir reported to be the main members belonging to this group), The Communist group-led by Sadiq, while Beg, supported by Mir Qasim and his uncle Mirza Ghulam Mohd. was just in between the two groups and sometime assumed the role of a leader of both. The Masoudi-Bakshi Group was blamed of anti-communists and pro-Indian leanings. The first two groups besides having the leadership influence of Mr. M.A. Beg, wanted to keep Kashmir as far away from India as possible and both regarded the Masoudi-Bakshi group as their common enemy. In March, 1952 Session of the consembly Mr. Masoudi came in direct conflict with the communal-communist group on the issue of appointment of Shamiri's permanent Constitutional Advisor. The communist and communalists had eventually managed to persuade Sheikh to shunt Masoudi out to the Parliament of India.[31]

The communists, however, favoured the right of self-determination on the part of the multi-national and the pluralistic societies as they began to emerge as independent states in South-East Asia.[32] The party, therefore, favoured the right of selfdetermination to the people of Kashmir.[33] The party also supported the special status of Kashmir to enable the people to fight against imperialism and to facilitate the abolition of land-lordism, the removal of Maharaja and above all its remaining free from interference of the President of the Indian Republic.[34]

Meanwhile a process of deterioration in the position of Kashmir with the rest of India had set in action. The politics of Kashmir was motivated mainly by a sense of patriotism. The Kashmiri nationilism, started its rushing flow all too suddenly against the autocratic Non-Kashmiri ruler. Sheikh Abdullah's attitude towards Jammu, the agitation of the Praja Parishad, the role of its sympathetic organisation in India, its reactions in the valley and their counter-reaction in India, the planned process of precipitating a conflict between 'Kashmir Nationalism" and "Dogra Nationalism" had created conditions favourable for the disintegration of the State and disruption of the unity of its people. The Kashmiri nationalism was maintained at a high pitch by playing up mass sentiments against other Non-Kashmir elements. As anti Maharaja, anti-Pakistan and anti-Dogra sentiments which had been aroused as a

consequence of it could no longer be in use for internal consumption after the establishment of the popular system of Government, but were directed to strengthen the communist curents which cut across the foundations of India's stability and solidarity and laid more and more emphasis on Kashmir being distinct and separate from India. The communists had acted all along as a catalytic agent in a planned process of percipitating a conflict between Kashmiri Nationalism and Dogra Nationalism on the one hand and between the former and Indian nationalism on the other.[35]

However, the Communists changed their stand in 1953 and were mainly responsible for the coup in which Sheikh Abdullah was dismissed and arrested. The Moscow patriots saw in Sheikh postures an attempt to precipitate an independent State for Kashmir. Since this was not acceptable to their bosses in Moscow, the Communists engineered a coup saying that Sheikh had become a victim of 'imperialist conspiracy".

In manipulating 1953 events in Kashmir, the Communists had envisaged a "complete take over" eventually. But they had faced complete failure when the then Prime Minister of the State, Bakshi Ghulam Mohammed, began to clear his ranks of communities from 1955 onwards. Indian communities were in a quandry because Bakhsi Ghulam Mohammed condemned westem moves for forcing a solution to Kashmir issue as vehemently as he condemned the communist scheming in and outside Kashmir.

The Indian Communits were, therefore, left high and dry. They aimed their guns at Bakshi before whom the progressive like Messers Sadiq, Qasim and Dhar appeared incomptetent and ineffective. In 1963 a stage was set. The loss of the holy relic from the Hazartbal shrine came in handy and the Communities approved the line adopted by Mr. G.M. Sadiq in demanding the abrogation of Article 370 of the Indian Constitution which guarantees special status to Kashmir. The Indian Communists supported Sadiq in demanding fuller integration of the State with the rest of the country. Evidently, this was not really what they meant. For after Mr. Sadiq took over, the Indian communists did not force the implementation of the abrogation of Article 370 and the rest. The game was complete with the elimination of Bakshi from the political scene. For the communists, the battle was half won as 'comrades got into office."

Since 1964, however, even while some communists were inducted into State politics by Sadiq and Qasim, dissatisfaction with the administration had gone on mounting. Hardly any year had passed without trouble. In 1964, the Kashmir Valley was held to ranson by Shiekh

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Abdullah and Maulavi Farooq. In 1965, the armed Pakistani infiltrators were around Srinagar necessitating a full scale Indo-Pak War. 1966 was the year of drought in Jammu and floods in the valley. And as 1967 seemed to be passing off peacefully, the valley witnessed the month-long Pandit agitation and the Pro-Pakistan student trouble, in both of which about ten persons lost their lives. Apart from this miserable law and order situation, Jammu and Kashmir had witnessed "new proportions" in corruption and maladministration. During these troubles, all the opposition parties in the State including the Plebiscite Front, accused the ruling congress of having fanned commonunal disaffection. The discontent with the administration reached the stage when all the three wings of the state— Jammu, Kashmir Valley and Ladakh— clamouring for regional autonomy.

The Communist Party of India could not afford to be blind to these facts. Mr. Rajeshwar Rao was understood to have agreed with his local men that the Sadiq Government had miserably failed and it must be got rid of. He was further understood to have enlightened his local boys that "an old communist is more dangerous than an anti-communist."

In this context what was surprising was Mr. Rao's aversion to the suggestion of imposition of President's Rule in the State. In his talks with the then State Chief Minister, Mr. Sadiq, Mr. Rao was, however, leamt to have not ruled out the possibility of Govemment of India clamping President's Rule in the State. When Mr. Sadiq maintained that the step would invoke international wrath, Mr. Rao was leamt to have told Sadiq that he had better clear his mind of such logic after the Pakistani attack on Kashmir of 1965.

The formation of the communist party of India unit in the state, however, took place in January 1965.

The Communist Party of India itself then consisted of two groups i.e. one Pro-China and another pro-Soviet. After the Sino-India war of 1962, a serious inner party struggle occurred in the international communist movement. The group led by Sh. S.A. Dange supported the Nehru government and opposed the Chinese Communist party, while the other group led by P. Sundraya and Jyoti Basu supported the Chinese Communist Party in the name of upholding the proletarian internationalism. Such struggle within the C.P.I, ultimately crystallised into a split. The Pro-Chinese faction formed the C.P.I. (M) in 1964, while the Pro-Soviet faction remained in the C.P.I.[35]

Such a split in the C.P.I. at the centeral level had its impact on the Communist cadres at the state level also. Mr. R.P. Saraf and Mr. K.D.

Sethi, the two prominent Communist leaders in the state, changed their allegiance to the newly formed C.P.I. (M) and established its regular branch in the state in 1964. They joined it alongwith their organisation and supporters. The rest of the communists remained affiliated with the C.P.I. and formally established, as already mentioned, its unit in 1965.[36]

It can be argued that C.P.I Unit in the state was formed later and C.P.I. (M) Unit earlier unlike C.P.I. and C.P.I. (M) at the centre.[37]

In 1967, again, there were differences inside the C.P.I. (M) at the national level. A group of revolutionary communist in India was, however, of the view that the revolt in Naxalbari had proved that communist revolution could only be spread by means of violence and by the philosophy of individual annihilation. As a result, a split in the C.P.I. (M) occurred in 1969. The revolutionary group led by Charu Majumdar came out of party and formed C.P.I. (M.L.) party in the same year.[38]

At the micro-level, the revolutionary comrades in the state not only welcomed the formation of C.P.I. (M.L.) in India, but favoured the dissolution of the C.P.I. (M) unit in the state. As a result, the State Unit of C.P.I. (M) was dissolved and C.P.I. (M.L.) unit at the state level was established. With this comrades led by R.P. Saraf and Krishan Dev Sethi joined the Maoist Movement in the State and adopted the future plan.

The cracks in the top leadership of the state unit of C.P.I. (M.L) came to surface at the time of the evolution of a clear line of action for the party on the basis of peculiar condition then prevailing in the state. Krishan Dev Sethi suggested to keep the party activities in abeyance for the time being as the people were not yet ready for proper revolution.[38] But Ram Piara Saraf did not agree with his views and took stand that when the C.P.I. (M.L) was in the thick of struggle and its caders were under a brutal attack of the Indian State, it would not be advisable to leave the movement to confuse the cadre.[39] A special meeting of party's Executive committee, under the chairmanship of Mr. K.D. Sethi was then convened in which Mr. R.P. Saraf was accused of indulging in antiparty activities, such as self-aggrandisement, victimisation and misuse of party funds, arbitrarily closing down of Jammu Sandesh— the party organ and not convening the meeting of the Executive.[40]

Thus the rift between the two factions of C.P.I. (M.L.) headed by Comrade R.P. Saraf and K.D. Sethi came to light. Comrade K.D. Sethi was the follower of kanu Sanyal, Mao-tse-tung and Satya Narayan Singh[41] whereas R.P. Saraf faction followed the policy and programme of Chari "Majumdar and Lio-sho-chi of China. [42] All this led to a split in the C.P.I.

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(M.L) at the state level in 1970. Comrade K.D. Sethi and his followers, therefore, revived the Democratic National Conference (D.N.C.) with the programme and policy of C.P.I. (M.L.).[43] R.P. saraf, on the other hand formed the Proletarian International, which functioned as a unit of C.P.I (M.L) in the state.[44]

The death of Mao-tse-tung in 1975, the subsequent sweeping changes in China in 1977 and the replacement of Pro-Maoist leadership by the anti Maoist leadership had their impact on the Communist movement of India as well as that of Jammu and Kashmir.

R.P. saraf and his like minded colleagues came to the conclusion that the present trouble in the world Communist Movement expressing through revisionist take over of the leadership in U.S.S.R. and in China were mainly due to the fact that Marxism and Leninism had not been properly applied and Stalinist modifications in them to build a socialist state in U.S.S.R.was the root of all trouble in 'World Communist Movement'. They were also of the view that certain theoretical and practicle contradictions might be witnessed when Marxism and Leninism were put into actual practice. They were also of the view that the world reality had also undergone a change. As a result, both the Communist and Western Liberal models were increasingly becoming irrelevant and the process of globalisation had been spreading fast. Thus R.P. Saraf and his colleagues formulated a new theoretical and practical platform and established a new party namely Internationalist Democratic Party in the State in 1986.[45]

The split with in the State Communist Parties not only slackened the growth of Communist Movement in the State but also strengthened the rightwing and the centriest Parties and the power brokers who by isolating the leftist forces, rose to the prominent position in the power politics of the state.

We may perhaps be justified in concluding by saying that, unlike the Communist in India, the Communist in Kashmir flourished, remaining within the womb of the Kashmiri's fight for freedom and under the patronage of the different governments which came in power in the state since independence. The dynamism of left orientation and a few landmarks like the New Kashmir Manifesto, Protection of Tenants Rights, Big Landed Estates Abolition Act, State's Limited Accession with the Indian Union, the special status to Kashmir in Indian Union, convening of separate Consembly for drafting a separate constitution for the state, abolition of monarchy and elected head of state, separate flag and emblem and subsequent land reforms etc. were the result of the left movement in

the state. The leftist revolutionary groups did not function in a helter-skelter way. They were properly organised ideologically. In spite of the fact that the leftists ceased to have a strong hold in the state politics and the support of the masses when they came out from the ruling parties and formed their own organisations, yet they were quite successful in radicalizing the Kashmir politics.

In short, from sovereignty of each nationality with a right to secede to limited accession via independent Kashmir and finally to integration of the State with the Indian Union, liquidation of all sorts of exploitation of all the poor and the depressed classes, corresponding to well known phases in the national and international communist strategies, the instruments of the left movement in Kashmir have varied. It is, therefore, misleading to say that the Left Movement has not at all influenced the politics in J&K state. On the contrary, Kashmiri leadership was among the first to come under the influence of the Left Movement.

The Rightest Political Parties in Jammu and Kashmir

The people of the state of Jammu and Kashmir have generally been mobilized in such a way that they lay more emphasis on ethno-religious considerations and ignored cultural, regional and economic factors. Due to the concentration of the people of one community in a particular region, religion and region have become almost synonymous. Any movement in Jammu region, therefore, would ultimately be identified with the Hindu and in the valley with the Muslims. Thus the formation and shaping of most of the political parties in the state, right from the very beginning has been greatly determined by the factor of religion. For instance, The Muslim Conference in the Kashmir valley was organised to give direction to the Muslim of Kashmir and The Praja Parishad came into existence to represent the Hindus of Jammu. In fact, the rightest parties in Kashmir valley arose as a reaction aganist the autocratic rule of Hindu Maharajas and the rightist organisations of Hindus in Jammu region arose as reaction to the rightest movement in the valley.

Thus, Muslim Conference, Plebiscite Front, Awami Action Committee, Jamat-e-islami, Praja Parishad, Jan Sangh, Bhartiya Janta Party, have been the most prominent Rightest Parties at work on the political scene of the state from time to time during the last sixty years.

But there is no organised rightest party in the Ladakh region of the state. There may be some unorganised splinter groups which too wanted that Ladakh should be a centrally administered area.

There is, therefore, a clear-cut demarcation between the rightest

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political parties of Jammu region and those of Kashmir Valley in so far as their ideologies, aims and objectives, support-basis and activities are concerned. The Rightest Parties of Jammu stand for the protection of politico-socio-economic interests of the people of this region and fight aganist the chauvinistic tendencies of the Muslim majority of the state, particularly from the valley. They believe that their destiny lies in closer ties with Indian people. The 'Rightist Parties' of theValley, on the other hand, lay stress on safe-guarding the identity and rights of the Muslims of the state. They also want effective checks aganist the onslaughts of secular forces represented by India. They are so strongly mobilised and instigated chauvinistic tendencies of the Indian nationalism that they even advocate secession from the Indain Union. They also preach Muslim fundamentalism and make free use of Mosques for their activites. Whereas the 'Rightest Parties' of Jammu have their strong-holds in the Hindu dominated belts of Jammu region, their counter parts in the valley bank on the support of Muslims of Kashmir as well as the Muslim-dominated belts of the Jammu region. The 'Rightist Parties' in Jammu raise their funds from the membership fee as well as from donations received from their patrons.[49] But the Rightist Parties of the valley in addition to their internal resources, have been reportedly recieving huge funds in the shape of petro-dollars from the Gulf Countries in the name of spreading Islamic culture.[50] The 'Rightist Parties' in both the regions, however, differ in their organisational structures to a large extent.

As repeatedly said that the popular sentiments of Dogras in Jammu region, believing the Hindu Maharaja to be the symbol of their security aganist the majority population of Kashmir region, linked their fate and security with him and sided with him in his attempt to retain more and more powers in pre-independence period. It seemed to them that the prospect of democracy would be nothing more than being exposed to the whims of a permanent majority of Kashmiri Muslims and their leadership. They, thus, opposed the very basis of Kashmiris struggle for freedom. Moreover, the open condemnation of Dogra rulers by the Kashmiri Nationalists, not only created but hardened their distrust against the Kashmiri leadership. They, therefore, opposed every political move from the valley without evaluating its plus and minus points and played a negative role throughout the period of struggle for freedom in the Kashmir State.

Once again I may say that in order to have a greater security aganist the Maharaja's arbitrary authority, the Kashmiri nationalists in general and Kashmiri Muslims in particular, struggled for the establishment of a responsible government in the state. They perceived their security only

in democracy which among other attributes, meant a majority rule.

However, the post-independence politics of Jammu witnessed both inter-regional and intra-regional conflicts. Believing in the fact that security lies with Indian Union. They pleaded for transfer of more and more powers from Kashmir to Delhi rather than from Delhi to Kashmir.

But due to their minority status as against Hindu majority of India, the Kashmir nationalist, on the other hand, followed the policy of retaining the maximum autonomy and stood for limited accession of the State with the Indian Union.

The divergent positions taken by the Dogra of Jammu and the people in the valley have also been, reflected in the attitudes and policies pursued by the 'Rightist Parties' of these two regions of the state towards the major political issues confronted by the people from time to time, particularly since 1947.

The 'Rightest Parties' of Jammu, therefore, not only opposed the limited accession of the state with the Union of India but stressed that it should be unconditional, full and final and not be linked with the promise of a plebiscite. They strongly objected to the incorporation of Article 370 in the Constitution of India, convening of Kashmir's consembly to draft a separate constitution for the state, the haphazard manner in which the land reforms programme was taken up, abolition of monarchy and election of Dr. Karan Singh as first Sadar-i-Riyasat, a separate flag and emblem for the state, Delhi Agreement of 1952, the adoption of Kashmir's Constitution of 1957, Indira-Sheikh Accord of 1975 and return of Sheikh Abdullah to power again, Resettlement Bill, and Rajiv-Farooq Accord of 1986. They believed that all above-mentioned endeavours would take the state further away from the centre and would not only demoralise the patriotic and integrationist forces but also encourage separatists, autonomists as well as secessionist forces in the State. These parties, however, welcomed the arrest of Sheikh Mohammad Abdullah in August 1953, extension of more central laws to the state, the change of nomenclature of Prime Minister and Sadar-i-Riyasat into Chief Minister and Governor, dismissal of Dr. Farooq Abdullah's ministry in 1984 and Mr. G.M. Shah's ministry in March 1986. Perhaps they believed that these measures would further reduce the gulf between the state and the centre.

The 'Rightest Parties' in the valley, however, strongly contested the accession of the state with the centre and stressed that this issue was still alive and could only be decided by the people of the state through the free exercise of the right of self-determination in a plebiscite. Some of them even blamed Sheikh Abdullah for linking the fate of Kashmir with

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India for his own petty personal interests. As they refused to recognise the state's accession to India, the Article 370 of the Constitution of India granting special status to Kashmir was irrelevant to them. They strongly opposed the setting up of the State Constitution Assembly because it would deprive the people of Kashmir of their right of self-determination and the election of Dr. Karan as Sadar-i-Riyasat (first head of the state). They also opposed the arrest of Shiekh Mohammad Abdullah and regarded it as a coup and the first act of the murder of democracy. The Kashmir Constitution of 1957 thrust on them by the fascist clique represented by Bakshi Gulam Mohammed, was totally unacceptable to them. The extension of central laws, the change of nomeclature of Sadar-i-Riyasat and Prime Minister, the merger of National Conference into Congress (I) and ouster of Dr. Farooq Abdullah ministry, the imposition of Govemor's rule and finally Rajiv-Farroq Accord did not find any favour with these parties. They, not only branded Rajiv-Farooq Accord as a friendship between a "Kafir" and a Muslim but also described it as a 'division of spoils". They, however, welcomed land reforms, abolition of monarchy, (as it was a relic of the fedual system-based on exploitation and aganist the aspirations of the Kashmiris) and adoption of a separate flag and emblem for the state (as these symbolised the success of Kashmir's struggle aganist the century old Dogra autocratic rule). They believed that Delhi Agreement was a step towards the further confirmation of maximum state autonomy. They welcomed Indira-Sheikh Accord of 1975 and return of Sheikh Abdullah to power again, and also the Resettlement Bill because of human values involved in it.[51]

Hence, in order to understand the role played by the Rightest Parties in the politics of Jammu and Kashmir, one should have an adequate knowledge about their origin, organization, ideology, support base, leadership, electoral performance, etc. It is, however, evident that the Rightest Parties have come to stay as a prominent and durable feature of Kashmir's political landscape. This development is natural and may very well have been anticipated in a vast and variegated but geographically, culturally, racially, linguistically and ethnically heterogeneous state with three principal socio-cultural and disparate regions : Jammu, the Kashmir Valley, and Ladakh. In other words combined alchemy of history, culture, religion, language and economy has given identity to each of these regions and each of them has become the homeland of distinct ethno-national and religio-cultural community. In fact, various regions of the state have their distinct regional and political personalities and political and emotional divergence between them have growing over the years.

The Rightist Parties in the state also provide the channel through

which religio-cultrual and ethnic identities find expression and their aspirations and demands are articulated and aggragated. They not only exploit local sources of discontentment but also press a variety of primordial demands based on religion, region, caste and culture. Most of them have no hope of capturing power or being able to play a decisive role at the centre. They simply perceive themselves to be an essential pressure group for promoting and protecting the intersets of religious and regional communities. They, therefore, mobilize local support by playing up real or imagined feelings of discrimination or deprivation. In short, each Rightist Party in the state of Jammu and Kashmir has not only religio-cultural or regional support base but also has religio-cultural issue orientation.

We may say that the 'Rightist Political Parties' in Jammu region and their counterparts in the valley followed quite opposite directions due to their respective constraints, considerations and compulsions. Both, in one way or the other, impending the nation-buliding process in the state of Jammu and Kashmir. One of the serious impacts of this prevalent phenomenon is that the story of Kashmir's Constitutional relationship with India is still an incomplete story of adjustment of respective sphere of power between federal polity and a constituent unit. This study, thus reveals the hazards of nation-building in the developing world where plurality of religion, culture, geographical factors etc. have crected strains and stresses in the adjustment of inter-regional as well as intra-regional constitutional relationship.

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11

FACTIONALISM AND DEFECTIONS IN ALL J&K NATIONAL CONFERENCE

Factionlism in contemporary party politics thrives largely because of informal recognition to the group in the political parties. Factions are also the off shoots of pluralism and, thus, provide fertile ground to the politics of defection and party split[2]. Factionalism, therefore, breeds within a political party, when a group within the party comes to identify itself with a particular set of party leaders, has difference of opinion about the strategies of implementing the party's politics, committed to different ideologies and differs on fundamental political issues.[3] However, the clash of personalities in the party as well as crisis of leadership also contributes to a greater extent to factional fight within a party,[4] When party factions persistently disagree about the strategies for the realisation of certain collective party goals or they begin to question the fundamental ideology of the party or the line of cleavage between them has become permanent, a split (or defection) in a party is bound to occur,[5] Similarly, when the factions within the party have no chance of political power in the immediate future or they have the perception of capturing the power, the struggle for political power within a group then exhibits itself in the struggle for office. This is because for some party elites power for themselves and not for the party is their sole political aim. Such an attitude to acquire power also leads to factionalism within the political parties and they, therefore, further their personal interests without caring for their parent organisation.[7] Moreover, this malady generally puts an excessive strain on the party system and often incapacitates it. This strain sometime becomes so intense that no other than the final parting of ways is left for the factions.[8] However, intra-party factionalism is the bane[9] of all or nearly all political parties and groups. In other words party system and intra-party factionalim as well as defection exist in political cultures of several countries in general and in developing countries in particular. In India too, no political party is beyond the pull of factions. As factionalism is something that has for many years attracted the

attention of western researchers[10] it is, therefore, indeed a true feature of Indian political scenario at all levels-central, state and regional. But "factional-politics has, however, remained more acute and intense at the state level."[11]

If factionalism is taken purely as struggle for power, there was no factionalism as such in National Conference upto 1947, the National Conference was leading a movement against the autocratic govemment of Dogra dynasty. By the middle of 1949 the first breach in the National Conference had taken place, where Ghulam Mohiuddin Karra, the underground dictator of the Quit Kashmir movement, and who was not given place in the first Cabinet which Sheikh Abdullah formed under Maharaja, left National Conference in anger[12] in 1949. He then organised the Kashmir Political Conference— a new party– in June 1953.[13]

In the State of Jammu and Kashmir factional politics was, therefore, relatively unknown during the early phase of the All J&K National Conference headed by Sheikh Mohammed Abdullah, when it assumed power in 1948. The Party was more cohesive and united because of the personality of Sheikh Mohammed Abdullah. After some time, however, some form of factional activities started in a highly subdued form and Shiekh Abdullah did not seem to take any cognisance. Bakshi Ghulam Mohd. was heading that faction but it was never an open revolt. This faction openly appeared on the scene when Mr. Sham Lal Saraf was asked to resign from the Cabinet in the early 1953 because of his statement against the Prime Minister of the State. The G.M. Bakshi faction ultimately succeeded in getting first Sheikh Abdullah's ministry dismissed on 9th August, 1953, and captured power. This may be said to the first phase of factionalism in J&K National Conference in post independence.

After the arrest of Sheikh Abdullah in 1953, a new kind of factionalism developed in the party. It was Pro-Sheikh faction. It was led by Mr. M.A. Beg– a close associate of Sheikh Abdullah. But Bakshi was still able to hold dominant position in the Party.

The State's new Constitution had been enforced on 26th January, 1957. The people of the State were to go for poll for Legislature under the new Constitution. There was, however, dissatisfaction over the selection of Party candidates. There, therefore, emerged a new faction in National Conference soon after 1957 Assembly election. This faction was led by G.M. Sadiq.

The dissension within the Party came open over the nomination of Mr. G.R. Renzu for the Legislative Council by the faction led by G.M.

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Sadiq in 1960. Mr. G.R. Renzu's nomination was opposed by pro–Bakshi group in the Party. Mr. Sadiq and his faction had also vehemently insisted that all the members of the previous government of Bakshi should be included in his new ministry going to be formulated after 1957 assembly elections. G.M. Bakshi equally vehemently rejected this suggestion. G.M. Sadiq and D.P. Dhar accused G.M. Bakshi by levelling a number of charges against him and then resigned from the Working Committee of National Conference. Mr. G.M. Sadiq along with his faction ultimately defected from the party and formed Democratic National Conference– a new party.

With the intervention of Central leadership Mr. Sadiq dissolved the Democratic National Conference and again joined National Conference. But the return of faction led by Sadiq to the Party was not the true union of hearts.

G.M. Bakshi's resignation from State premiership, under Kamraj Plan, led again to the emergence of the same old intra-party factionalism in 1962. With the deliberate subverting the election of Mr. G.M. Sadiq as the new party leader in October 1963 by the Bakshi's faction again pushed the party into worst kind of factional politics. Khawaza Shamus-ud-Din, however, was unanimously elected as leader of Legislative Party of National Conference and thus became the Prime Minister of State.

Intra-party factionalism became more serious in Shamus–ud–Din's regime because of the theft of Holy Relic from the Hazratbal Shrine at Srinagar. This led to large arson, loot, and violence and ultimately the resignation of Shamus-ud-din Ministry and handing power to G.M. Sadiq. Pro-Bakshi faction afterwards did try to topple the Sadiq Ministry but could not succeed.

The faction politics was, however, pushed further as a result of the decision of Sadiq ministry to merge the J&K National Conference with the Indian National Congress, in order to become a part of mainstream of National Politics. The Pro-Bakshi faction opposed the merger move but failed to stop it. As a result twenty pro-Bakshi members of State Legislature informed the assembly speaker that they would continue to belong to National Conference. The second phase of factionalism, however, ended with the disappearance of pro–G.M. Bakshi faction after his death.

Sheikh Mohd. Abdullah, after assuming the power again after 22 years in 1975 under the Indira-Sheikh Accord, decided to revive the All Jammu & Kashmir National Conference. In 1977 State Assembly elections the newly revived National Conference returned to power with comfortable majority. The faction trouble into the National Conference emerged again after the Assembly Elections of 1977.

Mr. M.A. Beg, one of the most trusted and the closest lieutenant of Sheikh Mohd. Abdullah, sponsored the candidature of his son-in-law for the State Legislative Council. The voting pattern revealed that some members, more than expected, of the ruling party had voted for Beg's Son-in-Law. Sheikh Abdullah suspected the bonafides of Mr. M.A. Beg. He, therefore, decided to ask all the members of the ruling National Conference to take an oath of personal loyality to the party leader, Mr. M.A. Beg did not approve it and refused to take such an oath. Sheikh Abdullah, therefore, relieved him of the post of Cabinet Minister. Thus, it was the climax of the factional crisis of this phase. M.A. Beg, therefore, defected The National Conference and formed another Party named Inclabi National Conference with a very few supporters and started sitting separately in the State Assembly. There was a danger of further defection in the National Conference as well as in the Assembly. The Ruling National Conference, therefore, moved anti–defection bill and got it passed by the State Assembly.

In the last days of his life Sheikh Abdullah declared Dr. Farooq Abdullah, his son, as his successor and got him elected as President of the J&K National Conference. This was resented by G.M. Shah, Cabinet Minister and the son–in–law of Sheikh Abdullah, who considered himself as second in the party and deserved to be Sheikh's successor. The faction at that time was G.M. Shah's faction.

After the death of Sheikh Mohd. Abdullah in 1982, Dr. Farooq Abdullah, the then President of J&K National Conference and son of Sheikh Abdullah, became Chief Minister of the State with the blessing of Central leadership. Dr. Farooq did not include single a member of erst while Council of Ministers in his Ministry because most of the members of the previous Cabinet were Mr. G.M. Shah's supporters.[14] Mr. G.M. Shah's faction then started organising itself and looked for an oppurtunity to topple Dr. Farooq Abdullah's ministry. The factional rivalry between the contenders for power, the then Chief Minister, Dr. Farooq Abdullah and his brother-in-law Mr. G.M. Shah was, therefore, did not cease to exist even after former's ascending to the coveted high office. Rather it had appeared in the true fashion of factional fight between the ruling clique and dissident group comprising several former ministers of Sheikh Abdullah's government and others owing allegiance to Mr. G.M. Shah. In some of the district level meetings of the National Conference, the rival groups had freely exchanged hot words and levelled serious allegations against each

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other. The ensuing dog-fight in the ruling party thus made the confusion worst confounded.[15] Mr. G.M. Shah did not even hesitate to take the help of J&K Pradesh Congress through D.D. Thakur— a nember of Sheikh Abdullah's last Cabinet. The climax of factional fight in ruling National Conference came on July 22nd 1984, when 12 numbers of the Assembly belonging to National Conference and one independent member accompanied Mr. Shah called upon the Governor of the State along with Mr. Iftikar Hussain Ansari, the leader of the Congress-I Legislative Party and pleaded that Dr. Farooq Abdullah had lost the confidence of the majority of the Assembly and, therefore, had lost the constitutional or moral right to continue in office.[16] Dr. Farooq Abdullah pleaded that loss of confidence be tested on the floor of the Assembly and requested for convening it. He further pleaded that if that was not agreed to, the assembly be dissolved. The Governor, however, did not find justification in accepting either of the two suggestions. He dismissed Dr. Farooq ministry and appointed Mr. G.M. Shah as Chief Minister of the State.[17]

The factional fight between National Conference (Khalda) and National Conference (Farooq) further intensified and spread out during the entire tenure of G.M. Shah Ministry.[18] Its intensity reduced when Dr. Farooq Abdullah again captured power in the State as a result of Farooq–Rajiv Accord.

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12

POLITICS OF SPLITS IN THE ALL JAMMU AND KASHMIR NATIONAL CONFERENCE

As said earlier the state of Jammu and Kashmir, like that of India, is not homogeneous but heterogeneous in nature. One may observe here a pluralistic nature of society. It has, therefore, not only led to the growth and display of fragmented political cultures, sharpening of regional identities, absence of a well disciplined inter-regional and inter-communal-political party, but has also left a deep impact on the nature of state party system as well as its party politics. The political parties in the state viz. autonomists, nationalists, integrationists, rightists and leftists too have experienced periodic splits.

However, the formation of the All Jammu & Kashmir National Conference was the culmination of the efforts of some of the top but progressive leaders of the All Jammu & Kasmir Muslim Conference to take sting off the criticism levelled as Muslim Communalist by secularising Kashmir politics and making their struggle for the establishment of responsible government in the state more effective and meaningful.

The secular and progressive politics and programme of the newly formed The All Jammu and Kashmir National Conference and Sheikh Mohammad Abdullah's open alignment with Congress leadership, particularly with Pt. Nehru, alarmed and sapped the hardcore conservative elements headed by Chaudhary Ghulam Abass— a prominent leader of the National Conference from Jammu who was ideologically gravitated towards Muslim League and believed in its two Nation Theory and demand for creation of Pakistan— a separate independent Islamic state. Thus, the conservative elements, mostly comprising the Punjabi speaking Muslims of Jammu in the party not only supported Ch. Ghulam Abass, but also continued their tirade against Sheikh Mohammad Abdullah. An open rift between the conservative and reactionary elements of Jammu and secular and progressive element of the Valley emerged in the party because of open breach of an agreement by the top Kashmiri

leadership for rotation of the President of the party between leaders of both the regions— Jammu and Kashmir-annually. All this prompted Ch. Ghulam Abass to make an appeal for open revolt to the Muslim masses of the state in general and that of Jammu in particular to unite in support of the struggle launched by the Muslim League of M.A. Jinnah. The scene was, therefore, complicated enough to climax the split in All J&K National Conference. Ch. Ghulam Abass along with his other supporters particularly from Jammu left All J&K National Conference and revived the Muslim Conference on 13th March, 1941. The split was as much ideological as cultural and was on regional lines.

Immediately after the Quit Kashmir Movement launched by All J&K National Conference in May 1946, a factional infight was brewing in the party and it revolved around the four heros of the movement viz. G.M.D. Kara. G.M. Bakshi, G.M. Sadiq and Sheikh Abdullah. As already printed out that the climax came in March, 1948 when G.M.D. Karra, the most prominent hero of the movement and who had emerged next to Sheikh Mohd. Abdullah, was not inducted into first Sheikh Abdullah's popular ministry. By believing that those who were with Sheikh Mohammad Abdullah were not with him and those who were with Sheikh Mohd. Abdullah were in the Governement, G.M.D. Karra developed a hostile attitude against all the then leaders of the party and finally left the party by the end of 1949 along with his supporters and ultimately organised a new party– Kashmir Political Conference in June, 1953.

There emerged a conflict between Sheikh Mohammad Abdullah and the central leadership over the Centre-Kashmir constitutional relationship as early as 1948. With the passage of time these political conflicts were aggravated. The politics of conflict further deepened when Sheikh Abdullah asserted the Kashmiri sub-nationalism. The situation reached the point of no return because of subsequent speeches made by Sheikh Mohd. Abdullah at Hazartbal and at other places in the Valley, condemning central interference in Kashmir affairs. As said earlier that the climax of the tragic drama came on 8th August, 1953 when Sheikh Mohd. Abdullah's ministry was dismissed and he along with Mr. M.A. Beg and thirty three other leaders of National Conference was arrested on 9th August, 1953.

The split in The All Jammu and Kashmir National Conference took place second time since independence when Mr. M.A. Beg alongwith six members of State legislature and one member of Parliament from the state left the party and founded the All J&K Plebiscite Front on August 9, 1955 under his Presidentship and G.H. Hamadane as Secretary.

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A notable rift emerged in the ranks of The All J&K National Conference once again in 1957 when left wing faction of the Party, led by G.M. Sadiq having grievances against the authoritarianism, anti-democratic, corrupt practices and favouritism of the ruling coteric of G.M. Bakshi, condemned the methods of nomination of the party candidates for the State assembly elections of 1957. The leaders with leftlist leaning stressed that all the persistent and sustained efforts to resolve the contradictions within the party failed due to the refusal of G.M. Bakshi. Who has dominated and monopolised the power and acted in violation of all the agreed decisions and policies, to give up his authoritarian method. Moreover, the G.M. Sadiq group was even denied its due share in the newly constituted Cabinet after 1957 Assembly Elections. The mutual distrust and dissatisfaction between the two factions reached a climax over the nomination of Mr. G.R. Ranzu for the Legislative Council by the Sadiq faction much against the wishes of G.M. Bakshi.

Thus, the line of cleavage dividing the two wings of the party became permanent and resulted in another split in the party. G.M. Sadiq, along with five other members resigned from the executive of the party on 6th August, 1957 and formed a new party Democratic National Conference. Eleven MLA's, two M.L.C's joined the newly formed party.

The rift between Sheikh Mohammad Abdullah, Chief Minister and his confident and principal advisor and a member of his Cabinet. Mr. M.A. Beg was surfaced after biannual election to Legislative Council in 1978. Mirza Afzal Beg sponsored the candidature of his son-in-law Mr. Yakub Beg for the State Legislative Council and campaigned in his favour. The party whip was issued accordingly. But the voting pattern revealed that there had been gross violation of the discipline by some of the members of the Party. Mr. Yakub Beg had managed to poll 31 preference votes in his favour despite of the Party directive to its members that only 13 preferential votes should be cast in his favour. Mr. M.A. Beg said to have induced the other members of the party whose votes were actually assigned to other candidates. He also approached Mufti-Mohd. Sayeed, the then state Congress chief, to manage thirteen votes of congress party MLA's in favour of his son-in-law.

All this created suspicion in the mind of Sheikh Mohamed Abdullah about Mr. M.A. Beg and his supporters' sincerity and honesty. Sheikh Mohammad Abdullah, therefore, directed the members of the ruling party to take an oath of personal loyalty and allegiance to the party leader. Such a move was opposed by Mr. M.A. Beg by stressing that loyality to party policy and programme was all right but loyalty to a leader would

be undemocratic. Sheikh Mohd. Abdullah, therefore, relieved him of the post of Cabinet Minister. Mr. M.A. Beg, on the other hand, claimed that he still enjoyed support of fifteen party MLA's and announced that he would demonstrate his strength in the Assembly. As a result of such party indiscipline, the working committee of the party expelled Mr. M.A. Beg and his son-in-law from the primary membership of the party. Mr. M.A. Beg along with a few of his other supporters organised a new party namely Inqualabi National Conference on 9th November, 1978.

After stormy and eventful life, Shere-a-Kashmir Sheikh Mohd. Abdullah passed away on September 8, 1982. As desired by him during his prolonged illness, Dr. Farroq Abdullah, his son, was sworn as the new Chief Minister immediately after his death ignoring Mr. G.M. Shah, his son-in-law, the seniormost member of his party, and thus his natural successor. Mr. G.M. Shah felt cheated and outraged when willy old Sher-i-Kashmir, outsmarted and outmanoeuvred him for his son and even declared him his successor from his death bed.

All this not only created a rift between Dr. Farooq Abdullah and Mr. G.M. Shah, but also caused invisible cracks in the monolithic party. A sizable movement against the leadership of Dr. Farooq Abdullah within the party was then started.

Mr. D.D. Thakur, a former judge of the State High Court, a senior member of Sheikh Abdullah's Cabinet who was also not inducted in the Farooq's cabinet, joined hands with G.M. Shah who still could not reconcile with the political ascendancy of Dr. Farooq Abdullah.

Because of the failure of talks between Dr. Farooq Abdullah and Mrs. Indira Gandhi for an electoral alliance in the forthcoming state elections in 1983, Dr. Farooq's electoral alliance with Moulvi Farooq, Chairman of Awami Action Committee— a fundamentalist organisation in the valley, Mrs Indira Gandhi's humiliation by the National Conference and Awami Action Committee supporters in the valley during her election campaign, Dr. Farooq Abdullah clandestinely hob-nobbing with Sant Bhindrawala and his group in Punjab,[6] attending the opposition conclave at Srinagar, a tug of war between the National Conference and Congress (I) started.

Mr. G.M. Shah started criticising Dr. Farooq Andullah and his policies openly. As a result, a rift between them deepened. Mr. Shah and his supporters were, therefore, expelled from the party for their anti-party activities. On the other hand, he reiterated that he and his supporters explusion was undemocratic. Both Mr. Shah and Dr. Abdullah convened the party convention separately.

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The National Conference of G.M. Shah and his colleagues was then called National conference (Khalida) claiming to be real National Conference. Some of the scholars have termed such a division in the National Conference as another split in the Party, but the Hon'ble J&K High Court in a decision decided that it was not a split but a factional fight.

One may conclude by saying that despite the occasional splits within the All J&K National Conference, the grand old party of freedom movement and the party of maximum autonomy for the state afterwards— it has always been remarkably successful in consolidating its position as a single dominant party in the state. Splits within the party were not allowed to go beyond a point where the party could permanently be damaged. Whereas, ideological, cultural and regional factors had been mostly responsible for causing splits in the All J&K National Conference in pre-independence era, the personal ambitions, clash of personality, lust for power, factional infighting in addition to ideological differences have been the major factors promoting splits in the party in Post-Independence era.

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POLITICS OF SPLIT IN THE STATE UNIT OF THE COMMUNIST PARTY OF INDIA IN JAMMU AND KASHMIR

In spite of the fact that politics of every state is very much conditioned by the history of its people, their religious, languages, castes, regional aspirations and their socio-politico-economic interests, the communist movement in the state of Jammu and Kashmir also developed on the same patterns and trends. Historically, it is linked up with the Kashmiri's Fight for freedom against the autocratic rule of Dogra dynasty. The leaders of this movement not only successfully injected the leftlist ideology in the minds of some of the top elites of the freedom struggle in the state but its tenets of progressive, radical and revolutionary character have also radicalised the politics of the state when they came in power a way back in 1947.

However, once again I may say that proceeding initially with the slogan for sovereignty to each nationality[1] with a right to secede, to limited accession via independent Kashmir[2] and finally integration of states with Indian republic,[3] liquidation of all sorts of exploitation of all the poor and depressed,[4] the left movement in Kashmir not only varied in the form of shape and shades from time to time, but also had deeply influenced the political life of the state since 1930's.[5] As already said that the formal formation of the C.P.I. Unit in the State, however, took place in January, 1965.

As already said that The Communist Party of India itself then consisted of two groups i.e. one pro-China and another Pro-Soviet. After the Sino-India war of 1962, a serious inner party struggle occurred in the international communist movement. The group led by Sh. S.A. Dange supported the Nehru government and opposed the China Communist Party, while the other group led by P. Sundraya and Jyoti Basu supported the Chinese Communist Party in the name of upholding the proletarian internationalism. Such struggle within the C.P.I., ultimately crystallised

into a split. The pro-chinese faction formed the C.P.I. (M) in 1964, while the Pro–Soviet faction remained in the C.P.I.[6]

As already mentioned that such a split in the C.P.I. at the central level had its impact on the Communist cadres at the state level also. Mr. R.P. Saraf and Mr. K.D. Sethi, the two prominent Communist leaders in the state, changed their allegiance to the newly formed C.P.I. (M) and established its regular branch in 1964. They joined it along with their organisation and supporters. The rest of the communists remained affiliated with the C.P.I. and formally established its unit in the state in 1965.[7]

It can be argued that C.P.I. Unit in the state was formed later and C.P.I. (M) Unit earlier unlike C.P.I. and C.P.I. (M) at the Centre.[8]

In 1967, again there were differences inside the C.P.I. (M) at the national level. A group of revolutionary communists in India were, however, of the view that the revolt in Naxalbari had proved that communist revolution could only be spread by means of violence and by the philosophy of individual annihilation.[9] As a result, a split in the C.P.I. (M) occurred in 1969. The revolutionary group led by Charu Majumadar came out of party and formed C.P.I. (M.L.) party in the same year.[10]

At the micro-level, the revolutionary comrades in the state not only welcomed the formation of C.P.I. (M.L.) in India, but favoured the dissolution of the C.P.I. (M) unit in the state. As a result, the State Unit of C.P.I. (M) was dissolved and C.P.I. (M.L) unit at the state level was established. With this comrades led by R.P. Saraf and Krishan Dev Sethi joined the Maoist Movement in the State and adopted the future plan.[11]

As already pointed out that the cracks in the top leadership of the state unit of C.P.I. (M.L.) came to surface regarding the evolution of a clear line of action for the party on the basis of peculiar condition prevailing in the state. Krishan Dev Sethi suggested to keep the party activities in abeyance for the time being as the people were not yet ready for proper revolution.[12] But Ram Piara Saraf did not agree with his views and took stand that when the C.P.I. (M.L.) was in the thick of struggle and its cadres were under a brutal attack of the Indian State, it would not be advisable to leave the movement to confuse the cadre.[13] As a result, in the Executive Committee meeting of the party, presided over by Shri Krishan Dev Sethi, it was resolved to suspect R.P. Saraf of indulging in anti-party activities, such as self–aggrandisement, victimisation and misuse of party funds, arbitrarily closing down of Jammu Sandesh, the party organ, and not convening the meeting of the Executive.[14]

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Thus, the rift between two factions of C.P.I. (M.L.) headed by Comrade R.P. Saraf and Comrade K.D. Sethi came open. Comrade K.D. Sethi became the follower of Kanu Sanyal, Mao-tse-tung and Satya Narayan Singh[15] whereas R.P. Saraf faction followed the policy and programme of Chari Majumdar and Lio-sho-chi of China.[16] All this led to a split in the C.P.I. (M.L.) at the state level in 1970. Comrade K.D. Sethi and his followers, therefore, revived the Democratic National Conference (D.N.C.) with the programme and policy of C.P.I. (M.L).[17] R.P. Saraf, on the other hand formed the Proletarian International, which functioned as a unit of C.P.I. (M.L.) in the state.[18]

The death of Mao-tse-tung in 1975, the subsequent sweeping change in China in 1977 and the replacement of Pro-Moaist leadership by the anti-Maiost leadership had their impact on the Communist Movement of India as well as that of Jammu and Kashmir.

R.P. Saraf and his like minded colleagues came to the conclusion that the present trouble in the World Communist Movement expressing through revisionist take over of the leadership in U.S.S.R. and in China were mainly due to the fact that Marxism and Leninism had not been properly applied and Stalinist modifications in them to build a socialist state in U.S.S.R. was the root of all trouble in 'World Communist Movement'. They were of the view that certain theoretical and practical contradictions might be witnessed when Marxism and Leninsm were put into actual practice. They were also of the view that the world reality had also undergone a change. As a result, both the Communist and Western Linberal models were increasingly becoming irrelevant and the process of globalisation had been spreading fast. Thus R.P. Saraf and his colleagues formulated a new theoretical and practical platform and established a new party namely Internationalist Democratic Party in the State in 1986.[19] Thus, splits with in Communist movement in the state have been purely ideological.

In short, the ideological splits in Communist movement at the national level too had its repercussions on this movement at the state level. This menance in the state communist parties not only slackened the growth of Communist movement in the state but also helped in strengthening the right wing and the centrist political parties and the power brokers who by isolating the radical forces, rose to prominent position in the power policies of the state.

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14

POLITICS OF SPLIT IN STATE UNIT OF BHARATIYA JANA SANGH IN JAMMU AND KASHMIR

The Jana Sangh's policy with regard to Kashmir has been consistent, rigid and clear cut and influenced by its ideology of Akhand Bharat.[1] The party, therefore, subscribed to the concept of indivisibilty of the country with its pronounced preference for a powerful and highly unifed central government.

Viewing in this context, any talk of the special status of the State, and consembly making a separate Constitution for it were an anathema to the party. It had consistently regarded the accession of the State to the Union of India as final, complete, legally valid and beyond question.[2] In priniciple, the party believed in the concept of India as a strong unitary state, with one president, one flag and one constitution. It had, therefore, never been prepared to appreciate the special status of the State[3] and the State consembly framing a separate constitution.[4] At the very first convention of the All India Bhartiya Jana Sangh held in Delhi on 21st Oct., 1951, Dr. S.P. Mukerji's speech[5] as well as the party's manifesto of 1951[6] clearly reflected the party's stand on Kashmir issue. The manifesto states :

> "Since Kashmir is an integral part of India, having regard to the development at U.N.O., the reference made to the latter should be withdrawn and there should be no future question of plebiscite. To end the state of uncertainty about Kashmir's future, it should be integrated with Bharat like other acceding states and not given any special status."

The party blamed the Government of India and particularly, Pt. Nehru for mishandling the formation of the state's relationship with India and making Kashmir a problem.

However, since the ideology and programme of both B.J.S. and All Jammu and Kashmir Praja Parishad (P.P.) a Hindu dominated political

party of Jammu-were similar, the state unit of Bharatiya Jana Sangh was established on 20th Feburary 1964 with the merger of the latter.[7]

The prominent founding members of the party in the state were Pt. Prem Nath Dogra, Sheikh Abdul Rehman, Sh, Ram Nath Balgotra, Prof. Chaman Lal, Pt. Sham Lal Sharma, Dr. O.P. Mengi, Sh. Bhagwat Swaroop, Sh. Rishi Kumar Kaushal, Sh. Shiv Charan Gupta, Sh. Tilak Raj Sharam, Dr. Ved Prakash Gupta and Dr. Sat Pal.[8]

Pt. Prem Nath Dogra, who was the President of the Bhartiya Jana Sangh headed its state unit after its formation.[9] Before his death he is said to have desired and nominated Sheikh Abdul Rehman as his successor. Sheikh Abdul Rehamn not only succeeded him but also got elected to the state legislative assembly in 1972 elections from the seat which fell vacant on account of death of Pt. Prem Nath Dogra. Prof. Chaman Lal Gupta with the support of R.S.S. elements with in the party was not reconciled to the ascendancy of Sheikh Abdul Rehman who was Muslim and had no R.S.S. background. He was opposed to the idea of his heading the party. Even the R.S.S. element in the B.J.S. at the national level was reluctant in his continuation as Chief of Pradesh Jana Sangh.[10]

As a result, an open clash between the two top leaders of the party surfaced at the time of presidential elections of the state unit of the party in 1974. The R.S.S. group wanted unanimous election of Prof. Chaman Lal to head the party which was unaccepatable to the group headed by Sheikh Abdul Rehman. Thus non-R.S.S and Pro-Sheikh Abdul Rehman group sabotaged the election so as to continue his leadership on the plea of his contribution to the party in its formative years.[11]

The National Executive of the Party then intervened and postponed the presidential election by constituting an ad hoc committee of five members to steer the party under the Chairmanship of Shri Ram Nath Balgotra, one of the founding members of the party. The other members included in the ad hoc comittee, dominated by R.S.S. element, were Sh. Bhagwat Swaroop, Prof. Chaman Lal Gupta, Shri Shiv Charan Gupta, Shri Rishi Kumar Kaushal and Sheikh Abdul Rehman.[12]

However, the inclusion of both Sheikh Abdul Rehman and Prof. Chaman Lal Gupta in the ad hoc committee led to intermittent quarrels between them and was a source of confusion in the committee for a long time. This state of affairs consumed the committee's precious time. Moreover, both the top leaders even exchanged hot words with each other on organisational issues.[13]

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The R.S.S. group alleged that Shiekh Abdul Rehaman colluded with state ruling party; viz. Indian National Congress under the Chief Ministership of Syed Mir Qasim, indulged in anti-party activities and even leaked party secrets to the government.[14] These charges were, however, repudiated by Sheikh Abdul Rehman as mischevious, baseless, malafide and having no prima facie evidence.[15]

The top leadership of the party was not satisfied with the argument forwarded by Sheikh Abdul Rehman. Thus national leadership of the party once again intervened and convened the meeting of working committee which was attended by Shri Lal Krishan Advani, Shri Nanaji Desh Mukh and Sunder Singh Bhandari, all with R.S.S. background and passed a resolution recommending the expulsion of Sheikh Abdul Rehman from the party.[16]

The Executive Committee of the state unit of the party implemented the resolution by not only removing Sheikh Abdul Rehman from the ad hoc committee but also from the primary membership of the state unit of the party and unanimously elected Prof. Chaman Lal as the party president by dissoling the ad hoc Committee.[17]

Thus, there occurred a split in the Bhartiya Jana Sangh and sizable group of near about fifty prominent leaders and workers from district and tehsil levels of the Jammu province went along with Sheikh Abdul Rehman.[18]

Simultaneously, the state unit of the Lok Dal was launched by Pillo Mody, General secretary of the party, in January, 1974. Sheikh Abdul Rehman along with his group joined the party and was made the President of the State Unit of the party along with Shri Tilak Raj Sharma its Secretary.[19]

However, it was not a split owing to ideological but temperamental and organisational difference beteen two top leaders of the party. As a consequence of this, state Jana Sangh weakened and lost its hold in the Muslim areas of Jammu province because of the withering away of a charismatic leadership inherited from Pt. Prem nath Dogra. So Jana Sangh remained confined to the Hindu belt of the Jammu region.[20]

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CENTRE-STATE CONSTITUTIONAL RELATIONS : IRRITANTS AND TENSIONS IN JAMMU & KASHMIR SINCE INDEPENDENCE

The contemporary political scientists tend to think of centre-state relations as the tension between national and regional interests. The controversy in the federal political systems of today has been, therefore, centred on the question of inter-govermental relations. That is how a federal system in contemporary federal polities operates and how it should operate. Although the centre-state relations have often been reviewed by various specially constituted commissions or committees in various federal political systems, yet irritations and tensions in their politico–constitutional and socio-economic relations are still contnuing unabated.

However, once again I may say that geographically, culturally, socially, linguistically and ethnically the union of India is not a homogeneous state. Being a multi-lingual country it is composed of a number of principal socio-cultural, viable and disparate units (called states). In fact these units (states) have distinct regional and political personalities of their own. When such states, where exist communal discord, regionalsim, an awareness of one's own cultural heritage, historical traditions and a sense of political individuality, become the units of a federation with a strong central government, just like Indian Federation, strains and stresses, conflicts and controversis and irritants and tensions between the central government and its federation units are bound to arise.

The debate about the nature and working of Indian federalism, as laid down in its constitution, has been, therefore, going on since 1950's. As the working of Indian federal sytem has been pronouncedly on the unitary lines along with a steady encroachments on the powers of its constituent states, the contradictions and conflicts between centre-states relationship are being witnessed right from the day India became the

Union of states, in general and since 1967 in particular when non-Congress but strong regional political parties' ministeries were formed in some of the Indian states.

When with the withdrawl of the British power from the Indian subcontinent, the transfer of powers and the partition of the Indian dominion had created a set of new circumstances and situations, the state of Jammu and Kashmir acceded to the Indian Union. But as already said that the process of integration and constitutional adjustments, which had been adopted in regard to the other Indian Princely states, was not at all followed in the case of Jammu and Kashmir state. The constitutional relationship between Kashmir state and the Union of India continued to be governed by the provisions of Kashmir's Instrument of Accession of 26th October, 1947.

As already pointed out that when the constitution of India was being completed, it was deemed necessary to make provisions in the Indian constitution regarding the status of Kashmir state, the four representatives of the state were, therefore, nominated to the Constituent Assembly of India.

I may point out again that certain broad principles pertaining to the Kashmir's constitutional relations with the centre were agreed upon by the then centre and state leadership in May, 1949. The position, however, crystallized finally when the special provisions 306-A was drafted and placed before the Consembly of India. The draft was revised three times to accommodate the view points of both the parties. In order to fulfil the long cherished desire of Kashmiri leaders with regard to state autonomy and limiting the powers of the Union President and Parliament Article 370, which granted the Kashmir state a special status was, therefore, finally embodied in the Constitution of India. As a result Art. I and Art 370 of the Indian Constitution were made to apply to Kashmir state.

Once again I may say that during the first phase of the democratic rule in Kashmir State, which strated with the state's accession to the Indian Union wayback in October 1947 and terminated with Sheikh Abdullah's dismissal as Prime Minister and his subsequent arrest on 9th August 1953, the National Conference leadeship tried hard to maintain and perserve the maximum autonomy of the state by fighting aganist the integrationists and secessionist forces inside and outside the state as well as to protect its special status within the Indian Union.

The Delhi Agreement of July 1952 was another attempt to build a structure of the constitutional relationship between the Kashmir State and the Centre. But some of the controversial issues, like jurisdiction of Supreme Court, Indian Election Commission, Comptroller Auditor

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General, Emergency powers of the President etc. were again left for further discussions. When this model was put to practice, it cracked because of the differences and the result was the constitutional crisis of 1953.

As the secessionists in the valley and the integrationists of Jammu treaded on two different paths the National Conference leadership tried hard to rally and placate the diverse elements in the state to an endorsement of the larger state autonomy.

As already said that during a decade of Bakshi Ghulam Mohd.'s premiership (1953-1963) the Kashmiri leadership tried to move from larger autonomy to limited autonomy to stabilise its constitutional relationship with the Indian Union. To realise this in concrete terms they embarked upon a cautions and partial integration beyond the position already reached upon till August 1953. The Kashmir accession has been, therefore, ralified by the Kashmir consembly in 1954. The J&K constitution was finally enacted in Novemeber, 1956 and enforced on 26th January, 1957.

Thus the will to chisel a distinctive constitutional personality of the state as desired by Sheikh Mohd. Abdullah became flabby. The constitution of the state took increasingly the shape of a carbon copy of Indain Constitution with certain separate features to accommodate the political culture of Kashmir and the local sentiments.

But the complete stability in Kashmir constitutional relationship with the centre was not achieved even after this. The strains, stresses, conflicts, controversies in Kashmir's constitutional relations with the centre not only shadowed the minds of the people of the state but also led to turmoils in the state in subsequent years.

The theft of holy relic from the Hazartbal shrine and prolonged protest of the entire Muslim population of the valley, led to the down fall of Shams-ud-din's Ministry, the successor of Bakshi Ghulam Mohd.

I may stress again that being progressive by outlook and impressed by the new progressive programmes of Congress (I) that is socailistic pattem of society and the adoption of the progressive legislations by the Indian Parliament such as abolition of privy purses, bank nationlisation etc., G.M. Sadiq embarked upon the policy of progressive integration of the state with the centre. As a result, nomenclature of Prime Minister of the State and Sadar-i-Riyas at were changed into Chief Minister and Governor respectively, a number of beneficiary laws were extended to the state and National Conference merged into Indian National Congress. But at a later stage he too realised that he was losing his popularity

with the people in the valley largely on account of his policy. He then took in hand a policy of liberalisation vis-a-vis political parties and placation of Sheikh Abdullah and his followers in an attempt to rally the general support to his administration.

As said earlier the people of the valley seemed not to be satisfied with different regimes since Sheikh's arrest in 1953, Pakistan's influence on the people was still increasing, the problem of communalism and secessionism not only still continued but had taken a serious turn in the valley; some of the Kashmiri leaders even challenged the state's accession with the Indian Union and pleaded for the holding of plebiscite to decide its finality; Sheikh Abdullah was still regarded as undisputed leader in the valley and his influence in the political circle was still paramount and Kashmir issue was being treated as international issue, Mrs. Inidra Gandhi was convinced that it was not possible to tackle all such problems without taking Sheikh Abdullah into confidence. The failure of Pakistan Army to capture Kashmir by force, the political turmoil in Pakistan because of the refusal to accept Mujib-ur-Rehman as Prime Minister of Pakistan, Pakistan armies commission of atrocities on co-Muslim brethren of East-Pakistan had their deep impact on the thinking of Kashmiri intellectuals. They were clear in their mind that the poeple of the state would have been treated in the same way if they had acceded to Pakistan.

All these factors encouraged the Indain Government and Sheikh Abdulah to come to a compromise. Thus, a prolonged disalogue was started between Indira Gandhi and Sheikh Abdulah through their representatives.

Syed Mir Qasim, who succeded G.M. Sadiq in December, 1971 not only followed Sadiq's policy of liberalisation but even offered to vacate Chief Ministership in favour of a comeback on the part of Sheikh Abdullah following the Indira— Sheikh Accord of 1975. The basic elements of autonomy of the state and the finality of Article 370 of the Indian Constitution were again stressed. Sheikh Abdullah had made no secret of the fact that he wanted the retention of the special status of the state in the Indian Union. Thus, by confirming again the finality of the Kashmir's accession with Indian Union, entrenching the Kashmir's special status and the largest possible state autonomy the Indira-Sheikh Accord prepared the way for Sheikh Abdulah's retum to the Constitutional position on the support of the Congress Party, with his return the wheel seemed to have gone full circle and state leadership appreared to be back to the first phase that is finality of state accession, its special status and its urge for the largest possible state autonomy.

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Although it was generally believed that Indira-Sheikh accord of 1975 was a real land-mark in changing the character of constitutional relationship between the state of Jammu and Kashmir and the Union of India yet in spite of qualitative change the new relationship had its own dynamic operating which potentially have given rise to the new irritations and tensions, conflicts and controversies and confrontation of the state with the centre though qualitativlely of different type.

When in 1977 general election, the Congress (I) party was defeated and Janata Party came to power at the centre, the Pradesh Congress (I) of Jammu and Kashmir decided to withdraw its support to Sheikh Abdullah's ministry. Sheikh on the other hand was left with no alternative but to recommend to the state Governor to disslove the state assembly and to call for new elections. All this led to the end of cordial relationship between National Conference and Congress (I) leadership. Both the parties again started to extend their influence on the cost of others. Their differences further deepened during the state assembly elections of 1977. But because of the charismatic leadership of Sheikh Abdullah and his undisputed influence on Kashmiri people, National Conference secured an absolute majority in the elections.

The passing of Resettlement Bill by the state Assembly in 1982, the controversy on sanctioning funds for Dul Hasti Hydro Electric Project and sharing the electricity produced by it and the events before and after 1977 state assembly elections further enhanced the misunder-standing between centre and state leadership. The cordial relationship between the state and central governments seemed to come to an end and confrontation started once again.

After some time both the parties realised that some satisfactory basis must be found to make centre-state relations more sound not only on the basis of legislative relations, but also through Courts, the Executive and public opinion.

As desired by Shiekh Abdullah and supported by Mrs. Indira Gandhi, Dr. Farooq Abdullah was made the Chief Minister of the state just after the death of his father on 8th September, 1982 by ignoring the claims of G.M. Shah (the eldest son-in-law of Sheikh Abdullah) who regarded himself to be next claimant in the party. This created a rift in the rank and file of National Conference and the party was then divided into two factions– one headed by Dr. Farooq Abdullah (N.F.(F)) and the other by Mrs. Khalida Shah, his sister (N.C.(K)).

Meanwhile negotiations between National Conference (F) and the Congress (I) leadership started for the sharing the assembly seats for the coming state assembly elections of 1983. Inspite of prolonged negotiations between them nothing substantial came out. The main reasons for the breakdown of their negotiations was the sharing of state assembly seats particularly of the valley. Both the parties, therefore, decided to contest election on their own.

As Congress (I) wanted to prove its strength in the valley– National Conference dominated region of the state-and National Conference (F) being afraid of Congress threat started their campaign at the same time. Although Mrs. Gandhi and her other party colleagues toured the whole state a number of times in order to canvass for their party, yet they mostly concentrated in the valley. In order to defeat Congress (I), National Conference (F) leaders, on the other hand, entered into a dialogue with even the rightist parties. It got support from Awami-Action Committee, Jamat-i-Islami, Jamat-i-Tulba and various other factions.

As said earlier that during the course of their capaign the leaders of these parties and factions made inflammatory speeches challenging the validity of accession of the state with Indian Union, pleaded for secession, abused the central leaders, raised pro-Pak slogans and hoisted Pakistani flag particularly in the valley. All these activities had further widened the gap between the central and state leadership. Although National Conference (F) got overwhelming majority in the election and Congress (I) suffered a crusing defeat in the valley, yet Congress (I) refused to accept the defeat and challenged the election results by charging National Conference (F) indulging in rigging. The party therefore started its compaign aganist the state government with the sole objective of destablising and toppling it. Congress (I), therefore, evolved a strategy of well orchestrated propaganda, tried to tarnish the image of Dr. Farooq Abdullah and his government by accusing them of seeking support from the anti-national forces as well as perpetuating corruption and mal-administration in the state. Dr. Farooq Abdullah on the other hand by making an appeal to the State Congress (I) for its co-operation and participation in the efforts of the development of the state tried to patch up with the centre leadership. He believed that any confrontation with the centre would adversely affect the development of state. Dr. Farooq Abdullah's meeting of leaders of opposition parties at the centre, attending opposition conclave at Bangalore and hosting third opposition conclave at Srinagar further deepened the crisis and the rift between the two parties. Moreover, disturbances at Srinagar during one day International Cricket Match, man-handling of Indian players and raising anti-Indian slogans

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had added fuel to the fire. The above mentioned factors had its impact on Kashmir's constitutional relationship with centre also.

These factors also created rift within the ruling National Conference. As a result some of the National Conference M.L.A.'s alongwith the Congress (I) members under the leadership of G.M. Shah went to the state Governor and expressed the loss of their confidence in Farooq Abdullah's ministry. Dr. Farooq Abdullah's ministry was, therefore, dismissed without giving him a chance to prove his majority on the floor of the house on the date desired by him and Shah became the new Chief Minister of the state.

National Conference, thus, not only challenged the illegal dismissal of a legally constituted ministry but demanded that the office of the Governor be converted into Sadar-i-Riyasat as provided under Kashmir's Constitution of 1957. The party then started a campaign against the office of the Governor and its power. All this created a new set of irritations and tensions in Kashmir's constitutional relations with the centre.

Even G.M. Shah's ministry could not be carried for a longer period. His period of Chief Ministership was full of corruption, nepotism, maladministration, mis-management, and ultimately breakdown of law and order in the state. In other words, even the new experiment of replacing Dr. Farooq Abdullah by G.M. Shah as Chief Minister did not prove to be fruitful.

The central leadership, after trying all possible alternatives to bring to rest all conflicts, controversies, irritations and tensions between the constitutional relationship of Kashmir with the Union believed, that Dr. Farooq Abdullah, President of the National Conference (F), would be the only ultimate choice, to improve not only conditions in the state but also to bring to rest all misgivings between Kashmir's constitutional relationship with the centre.

Dr. Farooq Abdullah, on the other hand, was also convinced that it was not possible for him and his party to come to power without the support and goodwill of Congress (I) and its top leaders. Thus to eradicate hatred and bitterness which had been generated between the two parties because of withdrawal of Congress support to Sheikh Abdullah's ministry, formed due to Indira-Sheikh Accord of 1975, Dr. Farooq Abdullah's support to the opposition parties of India and hosting of opposition conclave at Srinagar in 1983, the failure of two parties to come to compromise on the division of the seats of 1983 assembly elections; the malicious propaganda and campaign by both the parties and their leadership to defame each other's party during 1983 assembly elections in the state; dismissal of Farooq Abdullah's ministry in 1984 with the

help of Congress support and the subsequent events and to co-operate with each to fight against the communalist and secessionist forces in the valley, two leaders entered into negotiations. These negotiations culminated in Rajiv-Farooq accord on November 7, 1986 which led to the establishment of coalition ministry in the state headed by Dr. Farooq Abdullah. However, the hopes that Rajiv-Farooq accord would enable both the parties to fight aganist anti-national and communal forces, further consolidate and unite democratic, secular and socialist forces, usher in a new era of political stability and give new impetus to the economic prosperity in the state could not be fulfilled. As a result of the accord, National Conference (F) not only ceased to be an instrument of protest against India but all those who supported Farooq Abdullah when his ministry was dismissed in 1984 turned aganist him and his party.

The secessionist and communal forces not only reorganised themselves but also co-operated with each other in the secessionist and extremist activities. The Kashmir Liberation Front– a millitant force-openly started indulging in subversive activities in order to destablise the secular, nationalist and integrationist forces in the valley so that the secession of Kashmir with India would take place.

In short the irritations and tensions, the conflicts and controversies between the Kashmir constitutional relations with the centre did not end as a result of a new experiment that is Rajiv-Farooq accord. But more of them were further created. Some more devices were, therefore, still to be invented to reduce and minimise the possibilities of centre-state tension.

The Commission of centre-state relations that is Sarkaria Commision rightly agreed with Woodrow Wilson, who pointed out—

"The question of federal state relations cannot be settled by the opinion of any one generation, because it is a question of growth and every successive stage of our political and economic development gives it a new subject, makes it a new question."

The Commission further pointed out that the Federal arrangement was not merely a question of balancing of powers between Union and States but also building a nation through development of judicious socio-economic order and strengthening of domestic process. In its report, the Sarkaria Commission has mentioned certain devices, without changing the basic structure of the constitution to reduce to the minimum the tensions and irritations between centre-state relations. Some of its recommendations are as under :–

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1. Splitting residuary powers into two. Only the part of the residuary powers dealing with taxation be retained by the centre. Rest of the residuary powers to be transferred to the concurrent list.
2. Appointment of inter-governmental council under Article 263, in addition to national development council which deals with the matters of Socio-economic, Planning and development. Such a council should take care of other matters of common interest and national importance.
3. The appointment of State Planning Board which would work in close cooperation with district planning boards.
4. The Governor should exercise his discretionary powers in rare or exceptional cases.
5. So far as President's power in relation to Article 356, it is recommended that it should be used very sparingly in extreme cases, as a measure of last resort, when all other alternatives failed to prevent break-down of constitutional machinery. A waming should be given to a state earlier and the President rule should be imposed if it fails.
6. Legislative assembly should not be dissolved until the proclamation of emergency is placed before the parliament and passed.
7. Every such proclamation should contain the material facts and grounds.

Whether these recommendations will be able to eliminate or reduce the irritatoins, tensions, conflicts and controversies between the centre and the state in the Indian Polity is a question to be answered by the future times to come.

However, the working of Centre-State relations in India shows that to have a uniform pattem of relations between the centre and states is not a must for the proper functioning of federalism. As India is a plural and politically uneven society, the centre-state relations have to be of varying nature. Throughout the constitutional development of India there was an attempt in the direction of uniformity. But complete uniformity and stability are not possible because of the dynamic nature of society. Tensions and irritations between the centre and the state are, therefore, not peculiar to any particular political system. They have existed and are existing in all federal states particularly in developing society.

I may conclude with the remarks that there are three forces– Autonomists, Integrationists and and Secessioninsts/Fundamentalists-acting and reacting in the Jammu and Kashmir state and consistently putting strains and stresses on Kashmir's constitutional relationship with the Indian Union since independece. The autonomists, on one hand, insist that Kashmir's accession with Indian Union is of restrictive nature i.e. in three subjects– Defence, Exrternal Affairs and Communication. They, therefore, not only favour maximum autonomy for the state, retention of Art. 370 of the Indian Constitution as a permanent clause but also stress that any unilateral attempt to alter it will have dangerous consequences. Integerationists, on the other, strongly plead for not only the abrogation of Art. 370 but also merger of the state within Indian Union like other princely states of India. The secessionists/fundamentists, however, not only challenge the finality of the state accession with Indian Union but also demand the right of self-determination for the Kashmiris to decide their own fate. One of its strongest faction favours its secession from indian union and its accession with Pakistan. Whereas its other faction wants to make Kashmir state as an Independent Country.

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SOVIET POLICY TOWARDS KASHMIR ISSUE TILL TASHKENT AGREEMENT

As already said that Kashmir is not a merely a geographical expression in the North–West of the vast Sub-continent of India, famed for its beauty and natural wealth, but it is a land strategically situated and a connecting link for many great empires. Its borders touching, as they do, the territories of Russia, China, India, Pakistan,Tibet and Afghanistan,[1] have an international significance. It also occupies a strategic position from military standpoint and that of foreign affairs. Nations interested in 'Big Powers' struggle can see Kashmir primarily as the pivotal centre of military strategy in this part of the world.[2] This is why it has become a pawn in the game of international politics. That it has given rise to the fast developing collaboration of Pakistan and China, on one hand, and the Pak-collaboration in the global plans of American policy and military strategy on the other.[3]

Kashmir, therefore, had been a constant concern of the Kremlin since the days of Lenin, who wanted to see peace in the areas bordering the Soviet Union.[4]

Soviet Union, however, had shown great interests and had been actually involved in Kashmir since World War II. Her Leaders-Josef Stalin, Nakila Khruschev, Leonid Brezhnev and Kosygin, through looked at Kashmir an important strategic area and an object of foreign policy interest pursued a different course.[5] The Soviet policy on Kashmir, thus, did reveal inconsistency and her stand varied from time to time.

Soviet leaders had generally favoured the right of self-determination on the part of the multi-national and the pluralistic societies as they began to emerge as independent states in South East Asia.[6] Perhaps because of this they favoured granting the right of self-determination to the people of Kashmir.[7] One version is that prominent Moscow trained workers were the first who injected the germs of the fancy of an independent Kashmir into the body politic of *Kashmir.*[8] Referring to the

demand of independence they pointed out that, 'it reflects the innermost desire of the Kashmiri people and is made with the intention of galvanising them once again."[9] They also said to be responsible in splitting up of our nationalism into 'Indians' and 'Kashmiri' and kept the two as mutually distinct and irreconcilable as possible.[10] Mr. O. Orestov in his article "The war in Kashmir" published, in Moscow Weekly "New Times,' pointed out *people of Kashmir faced two enemies, the force of intervention which had invalded their territory and the Indian reactionaries* "He warned *"It was in the interests of Indian reactionaries that Kashmir remains occupied by the Indian troops.* While referring to Sheikh Abdullah's Govt, he deplored that it had proved impotent in the face of the Indian reactionaries"[11] They later on supported the special status of Kashmir to enable the people to fight imperialism and facilitating the abolition of land-lordism and monarchy, and remaining free from interference of President of India.[12]

Even at Security Council the Soviet representatives had shown indifference to Kashmir issue. Throughout 1948, when Kashmir dominated the preceedings of Security Council for more than six months, Soviet delegates never spoke on the issue in dispute.[13] His behaviour was one of uninterested observers who had nothing to say on the question under discussion.[14] This was particularly because Stalin continued to regard New Delhi as an appendage of Anglo-American imperialism.[51] and Soviet non-approval of India's policy of non-alignment in the context of the cold war rivalry between, the then, two superpowers.[16] Moscow perceived India's non-allignment policy along the line of the maxim that "if you are not with us, you are against us."[17]

However, in the early fifties on the imperialist's designs over Kashmir, Pakistan unhesitatingly lining up with the United States and its allies against Soviet Union[18] and subsequently signing SEATO and Baghdad Pacts[19] and India's refusal to sign a Japan Peace Treaty in San Francisco,[20] began to have their influence on the Soviet Policy. Soviet Union had since then given its support to the legal finality of the Kashmir's accession to India.[21] They then began to depreciate any talk of an independent Kashmir as it was bound to make the Indo-Pak sub-continent a playfield of the imperial machination and stood solitary behind the permanent nature of the special status of the state in terms of Act. 370[22]. At Security Council also the Soviet representative Jacob Malik started attacking and strongly accusing USA and G B for their persistent interference in Kashmir for ulterior motives, condemned Pakistan for its aggression in Kashmir and held them responsible for the failure of the U.N. to solve the Kashmir Problem.[23] Malik's speech in Security Coun-

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cil, for the first time, broken the long held Soviet silence and indicated a change of Soviet attitude towards Kashmir.

The death of Stalin in March 1953 brought further changes in the Soviet policy towards India in general and Kashmir in particular. Moscow welcomed Sheikh Abdullah's removal as the P.M. of Kashmir in August, 1953.[34]

During their tour to India in 1955 Nikita Khruschchev and Nikolai Bulganin visited Kashmir. Comrade Khruschev declared that, *"the question of Kashmir has been settled by the people of Kashmir."* He, therefore, stressed that the Soviet position in regard to Kashmir was clear and precise that *Kashmir is one of the states of the Indian Republic"* He further added that the question of Kashmir as one of the state of Republic of India had been settled by the people of Kashmir themselves.[25] At a press conference in New Delhi Comrade Khruschchev and Comrade Bulganin described Kashmir as part and parcel of India and declared *"as far as this issue is concerned we witness in Kashmir with deep joy that the people of Kashmir appreciated its national liberation considering its territory as an integral part of the Republic of India, "They are now-striving to build in the fraternal family of Indian people."*[26]

In March, 1966 Anarta Mikoyan in his visit to India declared that Soviet Union regarded Kashmir as part of India. At Karachi he declared that the future of Kashmir was *"not for us to decide. This is for the people of Kashmir to decide."*[27]

Consequently, when the Kashmir question again came before the Security Council in Feb. 1956, the Soviet attitude was one of total opposition to U.N. resolution and of complete support to Indian position. Soviet representative Comrade Sobolev pointed out that vital changes took place in Kashmir since 1948. It would be suicidal to ignore these changes. Holding a plebiscite in Kashmir with outside interference in one form or another would serve only to excite local conflicts and to complicate the international situation in that area.[28] The Soviet Union not only strongly criticised the five powers draft resolution for demilitarization of Kashmir in 1957 but vetoed it.[29] In March, 1959 a Soviet delegation led by A. Andreev visited Kashmir and reiterated the Soviet stand on Kashmir being internal part of India. He declared, *"In your struggle we are your comrades."*[30] Kruschcheu again reiterated the Soviet support to the Indian policy in Kashmir when Karan Singh visited U.S.S.R. in April, 1959[31] In 1962, when Pakistan again tried to bring the Kashmir issue before the Security Council citing India's action in Goa as an indisputable evidence of her aggressive intention, the Soviet Union opposed the move and gave

India total and unqualified support.[32] The Soviet Union also supported to withdraw the special status given to Jammu and Kashmir and to integrate the state into Indian Union.[23] Soviet official told Indian diploma in 1963 that New Delhi could count on Soviet support in the event of renewed trouble in Kashmir.[34] In December, 1963, after the sudden disappearance of holy Relic, and demonstration in Kashmir and Pakistan to exploit the situation, the Soviet Union was deeply disturbed by the anti-Indian compaign by Pakistan. Soviet leaders condemned Pakistan attempt to abuse the religious sentiments of the people of Kashmir for political purpose.[35] At the disappearance of Khrushcheve from the Soviet Scene the new Soviet Prime Minister Alexei Kosygin told Mrs. Gandhi that Soviet support for India's policy in Kashmir had remained unchanged and that Moscow regarded Kashmir an integral part of India.[36]

But the new Soviet leader Leonid Brezhnev decided to move away from the Soviet policy towards Kashmir. He envisaged using Kashmir for a rapproachment between India and Pakistan and to turn the sub-continent into a peaceful arena under the aegis of the Soviet Union. While endorsing the Indian Policy that Kashmir was an integral part of India, Comrade Brezhnev then, began to explore avenues for strengthening Soviet Pakistani relations.[37]

In Nov. 1966, Soviet visitor to Pakistan Prof. Gherman Sverghov of Moscow Institute of World Economy and International Relations stressed that Kashmir problem should be tackled in accordance with the interests of the people of the India-Pakistan sub-continent.[38] Later on the leader of the Soviet trade union delegation to Pakistan (G. Podeskiskov) made the same plea i.e. the solution of Kashmir problem should be sought in consultation with the people of Kashmir-Pakistan and India without outside interference.[39] At the time when President Ayub visited Soviet Union, Kosygin stressed, *"Pakistan and India will make all efforts for moving step by step in settling the existing problem (Kashmir) and in this way lay a firm foundation for good relations".*[40] Ayub Khan was convinced that Soviet policy toward Kashmir had undergone a change. He said, "he has returned with the conviction that in event of a new war on Kashmir, the Soviet Union will not stand behind India as it has done earlier and is happy that he has been able to create a breach in Soviet-Indian relation in regard to Kashmir."[41] He then threatened New Delhi with a war on Kashmir unless India agreed to solve the conflict on Pak's terms.[42]

During Shastri's visit to Moscow in 1965 the Soviet Union refused to take a public stand on Kashmir issue, Shastri did discuss the Kashmir

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problem with Kosygin but failed to get any mention in the joint communique issued at the end of his visit.[43]

As a matter of new policy; the Soviets were adverse to pronounce any judgement on Pak infiltration in Kashmir in 1965 and wanted to view the Kashmir conflict in a non-committed way.[44] As Tashkent meeting approached nearer, after 1965 war, Soviets advised India and Pakistan to settle old and dangerous Kashmir issue under the Soviet patronage.[45] They also rejected the claim that Moscow was not objective on Kashmir issue and was inclined to support one side at the expense of the other side.[46] They carefully chose Tashkent as the venue for their first attempt to use Kashmir to establish a rapprochement between India and Pakistan.[47]

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SOCIO-POLITICO-ECONOMIC DEVELOPMENT OF LADAKH REGION IN HISTORICAL PERSPECTIVES

"Ladakh is a land of eternal lamaseries carved into hill sides; of magnificent statues of the Buddha in precious metals studded with prismatic stones; of rich art treasures-timeless 'tankhas' (painted scrolls) and forceful murals with Tantrik symbols; and of the signposts of a glorious culture and civilisation which have passed away."

(Ladakh— Roof top to the world)

On the east-west boundary of the two regions of the State — Jammu and Kashmir— is the third physical unit[1] called 'the magic land of Ladakh' or 'Little Tibet'[2]— the home of the ancient Bhauthas.[3] While embracing an area 97,000 sq. km. and comprising district of Leh, Kargil and Skardu (Now in occupied Kashmir), it forms the central portion of the Valley of great Indus river which takes its source at Mansarower Lake in Tibet and traverses the whole frontier province of the State.[4] Though it is one of the largest districts not only in the State of Jammu and Kashmir but also in the whole of the Indian-continent[5] yet because of its high altitude and highly mountainous and barren character it is sparsely populated.[6] Its people, being a mixture of Mangolian and Aryan races, are cheerful wilful, frank, honest in dealing[7] and not quarrelsome unless under narcotic like 'Changh.'[8] Being majority of them having Buddhist faith and the followers of the Dalai Lama of Tibet the simplicity and clumsiness are in a measure their chief characterstics.[9] 90% of its inhabitants, out of little over 1,00,000 population, live in 250 villages and hemlets scattered across the territory.

However, little attention has been paid to the Socio-Politico-Economic development of this region by the successive regimes of the state since the dawn of independence. The Ladakhis, therefore, have a deep seated discontentment, a sense of deprivation, simmering of unrest and

nursing a feeling of receiving a step motherly treatment at the hands of state authorities.[10]

As said earlier, in a memorandum submitted to the State Prime Minister, Sheikh Abdullah, Kushak Bakula, Head Lama of Ladakh and the member of the Consembly of Kashmir, demanded for a statutory providsion in the fut ure constitution of Jammu and Kashmir under which State's North-Eastern Frontier province of Ladakh covering Sinkiang and Western Tibet, would become a federating unit of Kashmir as long as the accession of the State to India endures. He urged that a separate Legislative Asembly of 15 members, with an Executive Council responsible to it, should be set up for Ladakh to run the internal administration of the era. He pointed out that under the proposal Ladakh would largely bear the same relation to the J&K State as the latter did to India.[11] He also met Pt. Nehru, the Ist Prime Minster of India and apprised him of the deteriorated economic conditions of Ladakh as back as in 1952.[12] He also met G.M. Bakshi, the successor of Shiekh Abdullah as Prime Minister of the state in 1953 and submitted to him a memorandum containing concrete suggestions for improvement of educational, economic and social conditions of the region.[13] In spite of the fact that G.M. Bakshi did introduce a number of measures for the economic development of the region but these could not satisfy the urges of the people. Kushak Bakula then charged G.M. Bakshi and his party to be more prone towards the Muslim population than towards the Buddhists.[14] While speaking in State Legislative Assembly on Oct. 5, 1953, G. M. Bakshi endorsed the views of Kushak Bakula that Ladakh was a backward area. He agreed that all demands voiced on behalf of the people of that area were not heeded by the previous government and assured the people of Ladakh of a fair deal in the new set-up which would help to ease tension in the senitive and neglected region of the State."[15] In November, 1953 Kushok Bakula was inducted into State Council of Ministers as a Deputy Minister in charge of Ladakh Affairs.[16] An expenditure of Rs. 86.65 Lakhs was made on developmet of backward areas during second plan period, (1956-61). During the Third Plan period (1961-66) a part of which covered the G.M. Bakashi period Rs. 147.44 lakhs were spent on its development. Under Non-plan Rs. 934,44 lakhs were spent on transport and communication and Rs. 142 lakhs on Ladakh development.[17] During later period G.M. Bakshi's Prime Ministership, the Muslims of the region supported him where as Buddhists desired a change of government. The congenial atmosphere of the region, therefore, got vitiated with communal overtones. Even Kaushak Bakula was seriously thinking to resign from the Counsil of Ministers.[18]

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Kaushak Bakula in his letter to Pt. Nehru dated 15th September, 1962 voiced the following grievances against the then state govemment:–

(a) the state government did not appear sympathetic to Buddhist population and appreciated their genuine difficulties;

(b) there was no planned economic programmes for Ladakh;

(c) the Ladakhis' demand for greater economic aid was being ignored;

(d) his advice for solution of the reasonable demands of Ladakh were not honoured.

(e) the state government had politicised the atmosphere in the region by drawing a line between Buddhists and non-Buddhists.[18]

The relation between Kaushak Bakula and G.M. Bakshi got further strained during Chinese aggression in 1962. In his letter to Pt. Nehru dated Feburary 10, 1963 he pointed out that the State authorities continued to adopt an apathetic posture towards legitimate demands of people of the region. He also met Shri Lal Bahadur Shastri, the new Prime Minister of India and successor of Pt. Nehru, and apprised him of the problems confronted by the Ladakhis. As the result of these meetings he was once again inducted in Mr. G.M. Sadiq's Counsil of Ministers as a Minister of State for Ladakh Affairs, Health and Local Self Govemment on July 26, 1964.[19]

Meanwhile the Sadiq Govemment appointed a ten-member high power Ladakh Development Committee to advise the govt., in regard to the policies and issues affecting good governance and speedly development of Ladakh. G.M. Sadiq said that development of Ladakh had been uppermost in his mind and assured the people that government would do everything for their advancement.[20] Kushak Bakula and Agha Ibrahim Shah sitting MLC were its Chairman and Vice Chairman respectively and all other members were Ladakhis. This Committee in its first meeting at Jammu on March 7, 1965 recommended that priority should be accorded to the schemes pertaining to generation of electric power, development of irrigation and expansion of education in Ladakh. Though steps were taken for electrification of some parts of region by installing two more generation sets at Nyoma— the headquarters of Chunathanq sub-division and certain other steps for the development yet the people of the area were still dissatisfied. Even the Ladakh Development Committee had proved least effective in its actual functioning because of limitations imposed on it.[21] The people of the region complained that the tempo of these few and small development projects was sluggish and not commensurate with the enormous needs of the region.[22] Because of

subsequent differences with the then Chief Minister, he resigned from the ministership in October, 1964 and alleged that no action had been taken on the important matters about Ladakh referred by him to the Chief Minister.[23] In other words Ladakh problems were not taken note of. He even wrote to the then Prime Minister of India that the law and order and economic conditions in Ladakh were deteriorating because of the posting of unsympathetic officials from the Valley.[24] He then began to advocate not only for the protection of separate identity of Ladakh, its political status but it should be brought under the direct control of Centre.[25] His contention for Ladakh's separate identity was based on :–

"(a) that the local Government in that region mostly manned by Muslims biased towards the non-Muslims;

(b) that the State Govemment always remained indifferent to Ladakh and its problems;

(c) that there was no rule of law governing in Ladakh;

(d) that Ladakhi's redress lay with the Government of India, not with the State Govemment;

(e) that both the governments headed by Bakshi Ghulam Mohammad and G.M. Sadiq failed in their attempts to meet the representatives of the people of Ladakh;

(f) that Ladakh's borders needed greater attention; and

(g) that for the Government of India to acquire a firm foothold in Ladakh and take a greater interest in its administration and local politics was a political need because the State had so far been the virtual preserve of a few individuals and, in order to alter this position, the Centre had to make its presence felt in the state. Besides, the Centre had a moral responsiblity to ensure a clean and efficient administration free from corruption both in political and economic spheres in that region."

It was quite surprising that kushak Bakula, a Buddhist votary of non-violence by faith and religion threatened to launch an agitation, if needed a greater agitation, against the Govemment of Jammu and Kashmir which had been ignoring the deteriorating conditions in his region.[24]

However, in November 1965, Dr. Karan Singh proposed a fresh scheme to resolve the regional tensions in the State. He proposed to divide state into a separate Kashmiri speaking State, by creating a greater Himachal Pradesh after Jammu region was made a part of it and by making Ladakh a Unit under direct Central rule.[28] Although this shceme

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could not find favour either with Congress (I) or by Janasangh as well as of Muslim population of the state, yet it was welcomed by the Buddhist population of Ladakh and Kushak Bakula. It once again raised the demand for central control over the region.[29] Mr. Sonam Wangyal, MLC, also voiced the unhappiness of Ladakhis at a Press Conference in New Delhi on April 6, 1965 and said that even after 17 years of independence and an investment of over Rs. 4 (four) crores by Central Govt., Ladakh could just boost of a road that linked Srinagar to Leh and a few bridges.[30] He also complained that the state Government did not take enough interest in the development of Ladakh and demanded an inquiry from Central Govt.[31] He added that the people of Ladakh continued to be unhappy with the State Government, and its policy towards them was one of neglect and apathy.[32]

Meanwhile, the Leh Congress Committee in a resolution of May, 1966 demanded that Leh should be acorded the status of a scheduled tribe area. The party adopted various strategies to achieve their new demand, and pressure and protest tactics to be used by them.

Kushak Bakula, who became M.P. in general election of 1967 from Ladakh even threatened that if development of Ladakh continued to be neglected the people might launch an agitation to break away from the State and seek direct central administration for the region.[33]

The District National Congress Ladakh had also submitted a memorandum to the Govemment of India in the same year seeking NEFA type administration for Ladakh.[34] Its President Kushak Bakula, M.P. in a Press Conference in Delhi on Sept. 14, 1967 said that the Ladakhis were tired of the discrimination practised aganist them by the Government of Jammu and Kashmir and therefore wanted "this region to be brought under the central administration. He further added that establishment of the NEFA type administration would enable them to develop side by side with the rest of the State. He alleged that despite repeated representation and discussion with the state for the last two decades, the conditions of the people had not improved.[35]

The Gajendregadkar Commission also recommended for Ladakh region, among other things, a full fledged Cabinet Minister from the region, setting up Regional Development Borad for Ladakh, Degree College at Leh and a Higher Secondary School at Kargil.[36] The Gajendragadkar report, therefore, became an effective instrument for the Ladakhi leadership to press for their demands.[37]

The Kashmiri leadership, however, said to have followed the policy of divide and rule in the region. The political factionalism had emerged

into two Congress groups in Ladakh district Congress (I). Mr. Sonam Norbu, Kacho Mohammad, Ali Khan and Kushok Thinsey and their supporters lent support to Mr. Sadiq and felt that Ladakh received a fair deal at the hands of the Sadiq Government.[38] The other faction expressed their dissatisfaction with the policies and attitudes of then State Govemment towards Ladakh region.[39] The factionalism, however, casued frustation even in the Buddhist Association.[40] Its demands were, therefore, opposed by Sonam Narbu group in Congress on the ground that Ladakh could not be separated from the rest of State because it would simply mean the disintegration of the entire Jammu and Kashmir State. Sonam Narbu and his group did not even favour NEFA type of administration for Ladakh because it was also not free from irritations and tensions.[41] They also condemned Kushak Bakula for his policies. Thiksey Nonestary Head Lama, Kushak Thiksey and a few others disapproved even Kushak Bkula's demand for a centrally administered Ladakh because it would lead to dismemberment of the whole of the State with far reaching consequences.[42] G.M. Sadiq declared that 'Any attempt to pursue such separatist ideas would be firmly scolded."[43] He also ruled out any possiblity of central intervention in the matter and a team of M.P.'s visited Ladakh to study the problems the region.[44]

In short, trouble started in Ladakh region in April, 1969 because of alleged apathetic approach of the government towards Ladakhi's grievances and its divide and rule policy perpetrated in this region.

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18

LADAKH MOVEMENTS SINCE INDEPENDENCE

"Ladakh was a remote Himalayan Kingdom like Bhutan, Sikkim and Nepal with its own flourishing culture and religions until the Jammu ruler Wazir Zorawar Singh forcibly occupied and annexed it in 1834. A grave accident in history that finally reduced this proud Himalayan Kingdom into an oppressed administrative district in Kashmir. In 1947 when whole of India rejoiced over its independence, naive Ladakhis believed that it was the beginning of a new era for them too, a dream of being equal respectable partners in the shaping of its own destiny and that of the state of Jammu and Kashmir where it fell. It did not take long to realize that they had only been out of the frying pan into the fire, that rather than becoming free sons of free India they were left at the mercy and step-motherly treatment of the Kashmir Govemment. For the Kingdom that once enjoyed a distinctive status in the entire Himalayas and its people guided by the Buddha's principles of peace and tolerance, the four decades of independence became fourty years of sufferings. A story is of oppression throgh calculated discriminatory policies towards the region and among different communities within the region."

(Ladakh— Poeples Moment for Union Territory Status)

As already pointed out, little attention was paid to the Socio-Politico-Economic development and modernisation of the Ladakh region by the successive political regimes in Kashmir since independence in general and in first phase of Sheikh Mohammad Abdullah's premiership in particular mostly because of its geographical location and varied physical characteristics. This resulted into the rise of the feelings of discontentment, deprivation and frustration among the political elites of the region. Moreover, the new political consciousness had also dawned upon the general masses of the region by and by. The new emerging elites of Ladakh, therefore, started feeling concern about the

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Socio-politico-economic backwardness of their people. During G.M. Baksi's regime the Kashmiri leadership had been alleged to be more prone towards Muslims rather than that of majority community – the Buddhists. Even their demands raised from time to time viz. speedy Socio-Politico-Economic development of the region, merger of Ladakh with India, their proper representation in the state services, induction of their representative in State Cabinet, recognition of Bodhi language, according of Scheduled tribe status and NEFA Type status to Ladakh etc. were not heeded to by the State Government, rather it followed a policy of side tracking and divide and rule.

However, as back as 1952 Ladakhis under the inspiration of Mr. Kushak Bakula, the Head Lama of Ladakh— not only demanded an effective say in the State's politics and administration, but also declared that they would join Tibet in the event of the Centre agreeing to Shiekh Abdullah's demand for greater autonomy to the Jammu & Kashmir State within the Indian Union. An organised struggle aganist the Kashmiri domination was also launched in Ladakh in 1964. The Ladakh leadership then demaded a NEFA-type Central Administration.[2] The communal trouble again raised its ugly head when Buddhists supported the demand for the settlement of Tibetan refugees in Ladakh district. But the Muslim Action Committee vehmently opposed it as it feared that such a move would upset the ethinic balance in the region.[3] The Buddhists, on the other hand, also feared that they would be reduced to minority because of the increasing incidents of conversion of Buddhist girls to Islam on the encouragement of Anjuman-i-Islam which was providing the Muslim youngmen money to lure Buddhist girls to embrace Islam.[4]

As a result cordiality between both communities of the region— Buddhists and the Muslims— no longer existed and one started doubting the bonafides of the other. The fire was ignited when the news of an alleged desecration of the Buddhist flag by the members of other community in Saboo village floated into the air.

A Ladakh movement under the banner of the Buddhist Action Committee was, therefore, launched in May, 1969. But the Muslim Action Committee was of the view that it was a petty family feud between a Buddhist brother and his Muslim sister which was inflated out of proportion.[5] Even Thksey Monastery Head Lama Nawag Chanba Stanze-also confirmed it when he said that 'a petty family feud over an ancestral property between a Buddhist brother and a Muslim sister became the pretext for starting the agitation by interested persons who had gone to the extent of saying that genocide was being perpetrated aganist Buddhists.[6] While criticising Mr. Kaushak Bakula, he added that interested political leaders who had enjoyed vast power and position until then were pressurising the central and state governments through public demonstration to believe in the indispensilbility of their leadership.[7] This time the agitation was an exhibition of the worst type of communalism, and marked with extreme violence and distruction.

The agitating Buddhists— men, women and monks – took out a procession, turned violent and damaged public propety, stoned a few houses of the minority community, which ultimately led to police firing in the air, clamping of Sec. 144 Cr. P.C. and arrests.[8] This movement, therefore, generated communal tensions in the region where communalism was quiet unknown till then. The movement was, however, suspended because of death of Dr. Zakir Hussian— the then President of India. The character of the movement had then changed from merely a religious affair into political somersault which was evident from the four pages memorandum submitted by Ladakh Buddhists Association to the then Prime Minister of India.[9] The demands were : [10]

1. Permission to construct a 'Sarai' for the Buddhist transit passing through Kargil;
2. Proper representation to Buddhists in the state services;
3. Recognition of Bodh language;
4. Rehabilitation of Buddhists Tibetan refugees in Ladakh and
5. Inclusion of a Ladakhi in the Cabinet.

Kushak Bakula, on the other hand, gave a threat of launching a mass movement and the Buddhists would resort to self immolation if their long standing grievances would nor be redressed till May 21, 1969. As a result, Mr. Sonam Wangyal, the then sitting MLA, was inducted in State's Council of Ministers as a Minister of State for Planning and Cooperation on May 27, 1969.[11]

Neither he was given Cabinet rank nor Ministry of Ladakh Affairs. His induction in state ministry was not welcomed by the people of the region and resulted into a clash between the police and Buddhist demonstrator at Leh. About 500 of the followers of Muslim Action Committee not only accorded a blackflag reception to Mr. Wangyal on his first official visit but also paraded through the market. The Muslim Action committee demanded his dismissal from ministry and urged an inquiry aganist him for swindles in the 'Pashmina' Syndicate and food grain dealing.

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Mr. G.M. Sadiq, the then State Chief Minister, however, invited Mr. Togdonm Tsang, Chairman of Buddhists Action Committee, for talks. At the meeting of the two leaders the demand for induction of a Ladakhi in the State Cabinet was accepted. The proposed agitation was, therefore, withdrawn. All this could not satisfy the agitating leaders. They actually wanted an inquiry by a Parliamentary Committee to inquire into their grievances.[12] They declared that untill their ten demands were not accepted, the Action Committee would not stop its movement.[13] Kashauk Bakula while addressing a public meeting in New Delhi, which was also addressed by a few other leaders of various political parties welcomed the induction of Mr. Sonam Wangyal in State Council of Ministers and said things in Ladakh would not have worsened had Buddhists been given proper representation in State Cabinet.[14] Mr. Shashi Bhushan, M.P. submitted that nothing had been done till then on the educational and economic fronts in Ladakh, Mr. M.L. Sondhi warned that his party would launch an agitation in case the problems of the people of the regions were not solved. Mr. Mahraj Singh Bharti, Chairman of the meeting, also emphasised the need for removing the economic, social and political imbalances in Ladakh.[15]

In a memorandum submitted to Prime Minster of India, the following ten demands were listed:—[16]

"1. Union territory status for Ladakh distircts;

2. Recognition of the Bodhi language;

3. To declare Ladakhis as people belonging to Scheduled Tribes.

4. Settlement of the Tibetan refugees in the distirct of Ladakh;

5. To permit Buddhists to construct a monastry in Kargil;

6. To order an investigation into the desecration of Buddhists religious flag in a village in Ladakh allegedly by members of other community;

7. To provide greater and better employment opportunities for Ladakhis;

8. To stop forcible conversion of Buddhists;

9. To implement the Gajendragadkar Commission recommendatios pertaining to Ladakh; and

10. To give proper representation to Ladakh in the State Council of Ministers."

Meanwhile Syed Mir Qasim was swom in as the new Chief Minister of the state on December 12, 1971. The leadership of Ladakh was not sure whether he would adopt a pragmatic policy for the development of the region.

Once again a movement was launched in 1974 for the grant of a NEFA— type cultural administration status for Leh. Kaushak Bakula, once again, raised the issue of Ladakh's backwardness and its slow pace of development in Lok Sabha during the discussion on the motion on separate Development Central Services for Backward Areas on August 16 and 23, 1972. Mr. D.P. Dhar, the then Planning Minister of the state, in a letter assured him that due care would be taken for the development of the region during Fifth-Five-Year Plan. While presiding over the meeting of Ladakh Development Committee on June 4, 1973, Chief Minister announced a government proposal to train the Ladakhi boys for government job and pointed out that the Development Schemes of Ladakh needed to be reformulated as to ensure improvement in its economy with an immediate impact on the life of its people.[17]

As the Ladakh development schemes were never vigorously implemented, Ladakhi youngmen became restive and thought of launching a protest movement aganist the then government. The frustrated youth, particularly educated unemployed, decided to launch a movement under the leadership of Lama Lobzang, Secretary Ladakh Buddhist Vihara, Delhi for Union Territory status for Ladakh. Lama Lobzang also expressed the same intention in a press statement on June 25, 1973. He also pleaded that Ladakh should be declared a Backward Area and its people be given the Scheduled Tribes Status. He also accused the State Government for non-implementation of the recommendations of the Gajendra-gadkar Commision regarding Ladakh.

This demand had, however, been opposed by an official delegation from Kashmir to Delhi.[18] The delegation was of the view that demand for Union Territory status for Ladakh would simply mean its separation from J&K State.[19] But Kaushak Bakula, on the other hand, charged that the official delegation had given a prejudiced and one sided view of the situation.

Sensing trouble in the region, Mir Qasim undertook an official tour of Ladakh in September, 1973 and assured the people of the region that government would consider their problems and grievances sympathetically.[20]

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On his way from Kargil to Leh, Chief Minister, was greeted with black flags, demonstration, pelting of stones. shouting of anti-government slogan etc. Several arrests were also made.[21] In spite of all this Chief Minister announced an allocation of Rs. 18 crores for the development of the region.[22] While addressing Ladakh Development Committee on October 1, 1973 Mir Qasim declared that his government could not allow the pace of development in the region to suffer for want of funds.[23] During his period light irrigation schemes were also under execution, road conditions improved and a scheme for opening two colleges and a secondary school was also in hand.[24]

In between the State Government appointed with much fanfare a few Commissions viz. Gajendragadkar Commission in 1967 and the Sikri Commission in 1979, to investigate the charges of regional imbalances. Both these Commissions acknowledged Ladakh's unjust share in the state's politico-administrative and economic set-up and recommended a few measures to rectify some of the injustices and wrongs.[25] But the State government did not concede their recommendations. In stead it distrubed the social equilibrium of Ladakh in 1979[26] by dividing it into Leh and Kargil districts on pure communal lines. This bifurcation of the region into two separate districts led, among other things, to the existence of intra-regional irritations and tensions which further posed problems in evolving a viable cohesive solution to the future of the region.[27]

Once again in 1982 a movement demanding autonomy for Ladakh was launched under the leadership of Lama Lobzang, Mr. Thupstan Chewang and Mr. P. Namgyal.

The Ladakhi Political Elites, however, alleged that their complaints had mostly centred on the jingoism of the leaders from the Valley and their systematic acts of discrimination against the masses of the region. A violent struggle was launched by the Ladakh Buuddhists Association on October 15, 1989.[28] Its main slogan was to liberate Ladakh from Kashmir and for Union territory status. Mr. Namgyal— The President, Laddakh Buddhist Student Association— while supporting the movement for Union Territory Status for Ladkh, highlighted the extend of discrimination, oppression and the negligence the Laddhakhis were subjected. He said that "Ladakh stands the fear of being colonised by the Kashmiris and its identity and culture overwhelmed by Islamic influence. Moreover, assured of protection of their identity under Art. 370 of Indian constitution, the Kashmiris trained their eyes on the minuscule Buddhist population for assimilating them in Islamic fold."[28(i)] Therefore, there was a threat to their identity and cultural heritage. He further added that

the standard of education in the region had reached the lowest conceivable level and because of absence of a degree college most of the students droop out as their parents could not afford to send their wards outside Ladakh for higher studies. Consequently vacancies in the government were filled by recruiting outsiders.[28(ii)] He summed up the discrimination against Ladakh in economic and developmental plans in the following points[28(iii)] :—

1. The government both at the centre and in the state never made an attempt to use the mighty river Indus for agricultural and hydro power generation purposes.
2. The irrigational and hydro-power generation projects taken up by government were either abandoned or kept incomplete. The result was that Ladakh still gropes in darkness.
3. The economic policy and planning of the then Kashmir government for Ladakh could at best be termed as lackadaisical and misplaced priorities, faulty planning and a pale green attitude to implementation of schemes characterised the government's performance.
4. Most of the departments in Leh had either not performed at all or performed terribly. Which indicated the calculated designs to keep the region wallowing in stagnation and object poverty.
5. The double standard adopted by the then state govt. for making allotment of plan allocation was guided by their design to deprive Ladakh of its rightful share in the plan funds.
6. Islamisation of Ladakh was taking place in diverse and multitudinous ways.
7. The then government adopted a policy of discrimination and suppression towards the region with the sole objective of stifling and marginalising its historical, religious and cultural identity.

While concluding he pointed out that in such a melee it was only a matter of time before their identity perished completely. The situation had, therefore, reached to such an extent that nothing less than complete separation of the region in the form of union Territory would satisfy them.[28(iv)] The situation was brought under control only after a Tripartite Agreement among the representatives of Ladakh Buddhists Assocaition, the State and the Central Governments signed at Leh on October 29, 1989 in the presence of the then Union Home Minister, Mr. Buta Singh. Under this agreement Leh was to have an Autonomous Hill Council.

Actually, the two rounds of talks which the National Conference – Congress (I) coalition government had with Ladakh Buddhists Associa-

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tion on the issue before its dismissal on January 19, 1990 was an exercise in futility. Moreover, the dilly-dallying attitude of the state government towards this matter once again compelled the Buddhists to give a threat for resumption of their suspended agitation. The talks were held again on November 19. 1991 at Jammu which remained inconclusive. The Tripartite Talks were, however, resumed on May 20, 1992 in New Delhi. The proposal of LBA for an Autonomous Hill Council for Leh was discussed. Another round of talks was fixed for june 22, 1992 in which the leader of LBA, Congress (I), LMA., Muslim leaders from Kargil, the State Government officials and those of te Central Government participated, besides the Home Minister. Although leaders from Kargil expressed their willingness for an Autonomous Hill Council for their district yet for fear of the terrorists of the Valley, they suggested post-ponement of the implementation of the proposal till Kashmir issue was resolved.

The Ladakh Buddhists Association had, therefore, rescinded the demand for Union Territory status in favour of an Autonomous Hill Council. It had contemplated an autonomous hill council for Leh. But the political trouble in the valley and the National Conference and congress (I) leaders of Kashmir region not only impended the implementation of the agreement but also thwarted the whole process.[29]

By that time the masses of the region had understood the dangerous game of the valley based National Conference and Congress (I) leadership sponsered politico-communal hartal that had bloodied and convulsed the peaceful, highly sensitive and strategic region of Ladakh. The people in Kargil, by then, were convinced that the problems of their district were the same as those of Leh and the masses of the two districts should take their future in their own hands. In a wise move, therefore, both Mr. Thupstan Cheewang's Ladakh Muslim Association (LBA) and Mr. Akbar Ladakhi's Ladakh Muslim Association (LMA) agreed in 1992 to end the communal rift and lifted the social boycott existing between the two since 1989;[30] and to unite. With the restoration of unity, the Ladakh movement took on a new dimension. A Joint Co-ordination Committee was formed to press the demand for an Autonomous Hill Council.[31] The Co-ordination Committee, therefore, not only geared up to start a new agitation, but had also given an ultimatum to the Centre to settle the Leh issue by October 15, 1993 or face a violent and uncontrollable movement.[32]

The resolution of the Ladakhis to revive the agitation was the immedaite fallout of the centre's failure to honour, its solemn committment that a Bill granting Autonomous Hill Council Status to Leh would be

introduced in the monsoon session of Parliament in August, 1993. This was not for the first time that Union Government had undermined its credibility by deferring its decision-on the Constitution of an autonomous hill council for Leh at the behest of the Kashmiri leadership. The Kashmir leaders, however, argued that the grant of autonomy to Ladakh would hurt the Kashmiri psyche and would prove detrimental to the interest of the trouble-torn people of the Valley. The same did the Central Govemment in August, 1990 and in April, 1992 but the Ladakhis then remained cool keeping in view the national interest;[33]

The patience of the non-violent and peace loving Ladakhis was, however, erupted with sporadic violence on March 6, 1995, when the Ladakh Buddhist Association revived their agitation. It followed by a declaration to boycott the then coming state Assembly Elections.[35] The movement this time was whole-heartedly committed to the cause of Autonomous Hill Council status and nothing short of it.[36] As the movement at this time was more vigrous and aggressive in nature, the state government had to bow down to the wishes of the people of the region. After talks and deliberations it was agreed to bring the required legislation to this effect by May 15, 1995. This was a day of jubiliation and feast among all the people of the region as the final announcement was made on May 15, 1995.[37]

In short, with the annoucement of Autonomous Hill Council status for Ladakh, a new chapter had come into force for the triblal people of region. Which meant freedom for them from the clutches of politico-economic centralisation invariably both at the levels of the state and the centre.The Ladakhis, thus, got free hand to preserve their ethnicity and cultural identity.

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    (a) setting up of separate development board for Ladakh ;
    (b) inclusion of at least one Ladakhi in the State Cabinet;
    (c) establishment of a degree college;
    (d) stable and satisfactory arrangements for providing electercity;
    (e) revival of the single-line adminstration and
    (f) merger of the proposed post of Development commissioner with that of deputy Commissioner of Ladakh."

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19

EIGHTH PARLIAMENTARY ELECTIONS IN JAMMU AND KASHMIR STATE : A STUDY OF JAMMU CONSTITUENCY

As each democratic government derives its legitimacy from the people, the people's mandate is inevitably limited both in scope and in time and people themselves decide at the end of every mandate as to whether the government put in power last time should be given another term or to be replaced by another party or a goup of parties, the Election, being a mechanism employed for this purpose,[1] has assumed the greatest singnificance in the contemporary democratic political systems. Elections are, therefore, not only one of the most ubiquitous of contemporary democratic political institutions and voting the single act of political participation undertaken by a majority of adults,[2] serve as a means of communication, legitimacy, political maturity, collective decisions directly affect and being affected by the total political and social process, but also open up channels between the polity and the society, the elites and the masses, the individual and the government.[3] Elections too, not only determine the nature of the party system under which the deliberative, competitive and representational elements of the Polity function and change but also give rise to a convergence of values, styles and behaviour of different levels of political structure which leads to integerative or divergent outcome and determine the strength and content of political consensus.[4] In short election is not only a barometer of democracy, indeed its life breath,[5] but also an aspect in the dynamic political system and yields a meaningful insight into the nation's political culture and its dynamics.[6] Elections, are, therefore, complicated political processes which must be analysed within the context of the total political and social system.[7]

Keeping in view the significance of the Elections, a humble attempt has been made to study the various aspects of the Eighth Parliamentary Elections in Jammu & Kashmir in the context of social and political milieu existing particularly in the Jammu-Poonch Constituency not only

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by taking proper care of the caste, religious, political and socio-economic factors which powerfully influence the electoral behaviour of the electorate but also in its true historical, psychological and social perspectives.

Table 1. The following table shows the Parliamentary Elections in Jammu & Kashmir State from 1967 to 1980.

PARLIAMENTARY ELECTIONS – 1967–1980
(Six Constituencies in J&K)

Election	Contestants	Electroate	Polled votes	%	Invalid votes	% (of polled votes)	Valid votes	%
1	2	3	4	5	6	7	8	9
General 1967	15	20,22,566						
		(a) 15,81,140	872104	55.18	29480	3.42	8,42,624	53.29
Mid-term 1971	32	20,96,506	1219085	58.15	52339	4.29	11,66,746	55.65
General 1977	29	25,57,422	1479514	57.85	55190	3.73	14,24,324	55.77
Mid-term 1980	28	28,91,052						
		(a) 23,47,931	1377988	58.69	40985	2.97	13,37,003	56.94

Before 1967, members to the Lok Sabha from J&K were nominated.

* Anantnag and Ladakh Parliamentary constituencies went un-contested in 1967. Figures from column 3 (a) onwards pertain to remaining four constituencies.

** Figur-es from col 3 (a) onwards pertain to five constituencies only as the Srinagar constituency went uncontested in 1980 and 1989 elections.

Elections to the Eighth Lok Sabha, though held under trying and testing circumstances, yet they were more significant and decisive. These were of crucial significance because these were held at a time when the country was under the holocaust of communal violence and imminent danger of disintegration due to the Punjab, the Assam and the Kashmir crisis. Moreover, if Mrs. Gandhi's assassination was the end of an epoch, the elections following her assassination was the beginning of another era— The Rajiv era. The voters in favour of status-quo, vindicated Mrs. Ghandhi's policies and gave her successor and her party a larger majority than expected.

However, for quite some years since independence and even after the adoptation of the Jammu And Kashmir's Constitution of 1957, the members of Parliament from the state were first elected by State Assembly and then formally nominated by the President of Inida. It was

only since 1967[8] they were directly elected. As the All J & K National Conference merged with Congress (I) in 1964, the Congress (I) had won five out of six Lok Sabha seats including two unopposed. One seat went in favour of National Conference (Bakshi) i.e., from Srinagar.[9]

In 1971 election Congress (I) got five out of six Lok Sabha seats and sixth one went in favour of an independent candidate Mr. Shamin Ahmad Shamin clandestinely supported by the Plebiscite Front.[10] In 1977 Lok Sabha Election, after the revival of the All J&K National Conference, Congress (I) got three out of six seats (from Udhampur, Anantnag and Ladakh), National Conference got two (Baramullah and Srinagar) whereas remaining one seat of Jammu Parliamentary Constituency went in favour of an independent candidate— Thakur Baldev Singh.[11]

In 1980 by elections Congress (I) secured only one contested seat i.e. from Jammu Constituency, three seats went in favour of the National Conference i.e. from Srinagar, Baramulla and Anantnag Constituencies, one seat by Congress (Urs) i.e., from Udhampur Constituency and Ladakh seat went in favour of an independent candidate.[12] The General Elections of 1984 had, however, specially attracted the attention of various political leaders and scholars because of diverse reasons. It was for the first time in India, since independence, that a crisis of leadership vacuum was caused due to the assassination of Mrs. Gandhi. The Punjab, Assam and Kashmir crisis particularly had plunged the country into the serious danger of disintegration. Some of the foreign powers also working for weakening the uninty, integrity and security of the country.

This election in Jammu and Kashmir was still more important because it was held during a period of a more serious political crisis when popularly elected Govt., of Dr. Farooq was dismissed and G.M. Shah with the support of Congress (I) had taken over as Chief Minister. This election was a reflection as to how for the electorates approve of the Congress (I) manipulations in this sensitive and strategically loated border state[13] since independence and would further highlight whether the overthrowing of duly elected Farooq Abdullah's government was a politically expedient step.[14] This election had also been held for the first time in the absence of Sher-i-Kashmir Shiekh Mohammad Abdullah— a charismatic leader who continued to dominate Kashmir politics since 1931 and when the National Conference monolith had been shattered due to factional infight.[15]

The 1984 Lok Sabha Elections were politically significant because the battle lines had already been drawn among the main political parties

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of the state viz. the All J&K National Conference (K) and Congress (I) combination and the All J&K National Conference (F).[16] These were to determine the future of Congress (I) and National Conference (K) alliance on one hand and N.C. (F) as well as N.C. (F) and Awami Action Committee alliance on the other. All the previous elections and the political activities in the state, since independence, have reflected the distinctive nature of political culture of the different regions. This diversity of political culture manifests itself in the form of demand for special status of Kashmir, its more and more autonomy and the greater support to the Article 370 of the Indian Constitution in the Valley but full integration of the state with the Indian Union and the abrogation of Article 370 in Jammu region. The people are, thus, divided into two contradictory streams– one autonomists and the other integrationists.

As the five year term of the Seventh Lok Sabha was to expire on January 20, 1985, the general elections for the Eighth Lok Sabha was due. But the brutal assassination of Mrs. Indira Gandhi and law and order situation in some of the parts of the country, however, triggered off speculation among the political observers at home and abroad whether the due Lok Sabha election would be held according to schedule. But Mr. Rajiv Gandhi took the nation and the opposition by surprise by deciding to go to polls on December 24, and 27, 1984. The Elections were also essential so that Mr. Rajiv Gandhi's Government should also get legitimacy. In spite of the fact that majority of states preferred single day poll, the J&K Government suggested a two-day poll in the state. In view of its topography and the merger resources at its disposal. The Elections in Ladakh were to be held in April, 1985.[17]

The situation in Kashmir on the eve of elections was tense. Dr. Farooq Abdullah's ministry was unconstitutionally dismissed and Mr. G.M. Shah was sworn in as new Chief Minister of the State. A White Paper was released by the then government to justify Government's action as constitutional and contained more charges against Dr. Farooq viz. his anti-Indian activities in collaboration with various pre-Pak and anti-India organisation like the Kashmir Liberation Front; his establishing contracts with well known terrorists like Hussain Qurashi and with Amanullah Khan when he was in Britain for higher studies in 1974.[18]

The people in Jammu region, who were continuously struggling for the abrogation of Article 370 since its inception, therefore, had greater imprint of the crisis and distrubances particularly in the neighbouring state of Punjab. They were concerned with national unity. After the assassination of Mrs. Gandhi they perceived it as a threat to the unity

and integrity of India. They reacted sharply and manifested their reaction in terms of communal tensions. The voters were also influenced by the dismissal of Farooq's government in early July, 1984.

One of the toughest electoral battles out of the six Parliamentary seats in Jammu and Kashmir was the Jammu Parliamentary Constituency. This Constituency was a confluence of different cultural streams such as Rajputs– both Hindus and Muslims, Sikhs, Labana Sikhs, Muslims, Gujjars, Brahmins and refugees from West Pakistan, who had not been given property rights even after 47 years of independence. This Constituency, however, comprised the districts of Jammu, Poonch and Rajouri.[19]

In Jammu and Kashmir both the parties, Congress-I and N.C. (F) joined the fray and contested with all the efforts and resources at their disposal. Since both these parties were not in good tuning with each other so the contest became still more tense.

In Jammu-Poonch parliamentary constituency, out of the total 28 candidates only sixteen were left in the field after withdrawal. There were fourteen independent candidates besides Congress-I and N.C. (F)— the main rivals.[20] Other opposition parties like B.J.P., Janata, D.M.K.P., Panthers Party etc. did not join the contest. They instead pledged their support either to N.C. (F) or Dr. Karan Singh— a former Union Minister and an independent candidate in t he constituency. Dr. Karan Singh had been denied the Congress (I) ticket and contested as an independent candidate to get people's manade and teach a lesson to Congress (I) leadership by showing his hold on the people of Duggar Land. The main electoral battle in the Constituency was, therefore, a triangular contest— among the Congress (I), National Conference (F) and Dr. Karan Sing – an independent.

The sociological background of the election contestants highlighted certain important factors.[21] As the constituency was Hindu dominated, the majority (i.e. 81·25%) of them were Hindus. 31.25% of them from Scheduled Caste. The fifty percent of them were from 31 to 40 years of age group. This signifies that the youth were also interested to contest. The highest percentage (i.e. 74.10%) held University degrees[22] and 31.25% had professional degree in Law. This reveals the fact that in the state of Jammu and Kashmir like that of India, law and policies are linked together since pre-independence era and cannot be separated from each other. The largest number of them (i.e. 56.212%) had been attracted to politics between 15-30 years. Businessmen were also inclined to politics, as 31.25% of them were having business as their occupation.

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The next largest group (i.e.18.79% was from the legal profession.

As regards the political experience, the largest number of contestants entered politics at the early years of their lief i.e. between 15 and 25 years. A very few of them were attracted to politics at late in their life. The highest percentage of the contestants (i.e. 50%) represented an annual income group between Rs. 11,000 and 20,000 and, thus belonged to upper middle class. Majority of them (i.e. 81.25%) had neither legislative, administrative or local self-govemment experience. The majority of the contestants (43.75%) however, decided on their own to contest the election and chose this constituency simply because they belonged to it. Next came the category (i.e. 25.00%) of those who had been pursuaded by their friends. 12.50% of them were pursuaded by their respective political parties or social circle to contest from here. A few of them chose to contest from here simply because the conscious electorates in the constituency persuaded them to do so. Only one of the contestants contested from here owing to his popularly in the constituency.

As elections signify high political drama in a democratic society, the competing political parties and leaders use various techniques to reach and influence the electorate. Some of the parties identify themselves with central issues because the differential perception of public issues of the voters generally determine their political preferences.[23] Though human behaviour, by its very nature, is imponderable and elusive in its approach to public issues, yet each election throws up many problems— local and national. Issues, thus, play a significant role in the matrix of factors influencing voters'political choice. Thus, the unity, integirty and stability of the Country, stable prices and preservation of the democratic values were some of the main national issues of the Eighth Lok Sabha elections.

In addition to national issues the contesting parties and candidates raised certain local issues to attract more votes. The J&K Pradesh Congress-I, while exploiting Mrs. Gandhi's assassination[24] raised the issue of future stability, security and unity of the country;[25] to ensure strong centre; to defeat the dangerous designs of external forces to disintegrate India;[26] criticised N.C. (F) and Awami Action Committee alliance; Dr. Farooq joining hands with opposition parties to weaken centre, sheltering the extremists and encouraging the anti-national elements when he was Chief Minister. National Conference-F on the other hand raised the issue of Muslim solidarity, unconstitutional dismissal of National Conference ministries in 1953 as well as in 1984, protection of political and economic rights of the state; revision of powers of governor, reconsideration of the extension of Indian laws to the state which had limited the state's autonomy;[27] special economic aid to state and the balanced development of all the three regions of the state— Jammu, Kashmir and Ladakh.[28] Dr. Karan Singh, however, raised the issues of suppression of Dogras; neglect of Jammu, denying constitutional safaguards to the people of the region; deliberately ignoring their interests,[28] and Jammu being treated as a colony of Kashmir.[30] The issues of unemployment, Resettlement Bill, abrogation of Article 370 were also raised by some other independent candidates. The opposition leaders, Dr. Farroq Abdullah and Dr. Karan Singh, thus laid great stress on the local issues whereas Congress (I) mostly emphasised the national issues.

All the opposition parties— B.J.P., Janata, D.M.K.P. had entered into an alliance with Dr. Karan Singh and campaigned for him in his electioneering. Dr. Karan Singh, on the other hand, emphasised the issues which had been directly or indirectly highlighted by these parties earlier. National Conference (K), which had forged an alliance with Congress (I), campaigned for it. Whereas the Panthers Party though an ally of National Conference (F) did not campaign for it here simply because of past links between Dr. Karan Singh and its Chief Mr. Bhim Singh.

The Congress (I) strategy was to cut the ground from under the opposition feet and project Congress (I) party as the only and capable of serving the country's needs[31] and indispensable for the unity and integrity of the nation.[32] Another aspect of the party's election strategy was to blame the opposition for joining hands with anti-national elements.[33] National Conference (F) calculation was that the triangular contest in the constituency where Hindu votes would be divided between Congress (I) and Dr. Karan Singh,[34] would help its party's candidate. National Conference (F) leadership, therefore, concentrated most of their campaign on the areas where Muslim, Harijan and Sikh voters were in majority. Their strategy, in short, was to pay much attention to rural areas and go to minorities and the poor sections of society.[35] In order to counter Congress (I) and National Conference (F) the strategy of Dr. Karan Singh was to exploit and evoke regional sentiments and caste loyalities of the people; to project his own self as a secular and affective leader, a common candidate aganist Congress (I) and a symbol of Dogra honour.

The techniques adopted by different contestants were more or less the same. All of them organised public meetings and processions; launched advertisement Blitz-Kreig; exhibited wall paintings; displayed posters, flags and party symbols; played taped speeches of top-leaders and invented new slogans for attracting the attention of the voters. Some of them relied upon door to door canvassing also.[36]

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The strategies and techniques of the contestants, however, varied from place to place. For example National Conference (F) emphasised the issue of Muslim solidarity in Poonch and Rajouri i.e. the Muslim dominated belts of the constituency. But in other Hindu dominated areas it relied on the issues of dismissal of Dr. Farooq's ministry and its past-services rendered to the backward classes.

Similarly, Dr. Karan Singh's issues and appeals varied from place to place in accordance with the religion and caste of the majority of voters there. But the issues advocated by Congress-I were the same in the whole of the Constituency.

Congress (I) campaigned in the whole of the constituency with the same degree of intensity. Whereas National Conference (F) and Dr. Karan Singh concentrated their campaign in the particular religion and caste dominated areas. The methods of contacting voters through door to door campaign was employed only by two contestants Mr. Janak Raj Gupta – Congress (I) candidate and Dr, Karan Singh— an independent; and that too in Jammu city only. The same was the case with wall writing and poster sticking. Congress (I) candidate led the other two contestants in advertisements blitzlerieg. But the facility of addressing the public through radio broadcastes had been provided to poitical candidate could not be helped through this source of media in transmitting their massage to the voters.

The Assembly segment-wise analysis of the election data of Jammu district revealed the voting pattern of its people. In six out of eleven assembly segements Congress (I) was ahead of National Conference (F) and independents both put together. In other three segements Congress (I) got a lead over national Conference (F) as well as independents. Thus, in nine segements most of the voters were much inclined towards party politics, Whereas in the rest of the two assembly segements independents specially Dr. Karan Singh got a lead over Congress-I and N.C. (F) both put together. This shows that the majority of the voters were of open mind and voted while keeping in view the perconal qualities and capabilities of the contestants. As these two segements were predominantly Rajput dominated belts, the caste considreations seemed to have played a significant role. Moreover, N.C. (F) Party was not much popular in this Hindu dominated belt of the constituency. The performance was, thereofore, the poorest, in almost all the segments. In reserved segments of Marh and Bari Brahmana even the scheduled caste did not favour N.C. (F). The performance of Dr. Karan Singh was much better there due to the support extended to him by some top Harijan leaders.

It may be inferred that electorate other than Rajputs have weighed candidates in their own estimation showing less regard for caste or community or any such considerations.

All the programmes, policies and the manifestos of N.C. (F), Dr. Karan Singh and other independents receded into the backgrounds and Congress (I), by securing 46.32% of the votes got a lead over N.C. (F) and independents. The independents (especially Dr. Karan Singh) by securing 28.48% of the votes came to the second position whereas the performance of N.C. (F), by securing 25.20% votes, was poor. The simple fact that the majority votes had gone in favour of Congress (I), showed the intensity of mass appeals of the party particularly among the rural masses.

In all the three assembly segments of Poonch district N.C. (F) achieved an overwhelming lead, Congress (I) stood second. But the performance of independents was the poorest one. This was simply because of the fact that all these segements were the Muslim dominated belts of the Constituency. In spite of their best efforts neither Congress-I nor Dr. Karan Singh could make dents in these strong holds of N.C. (F).

However, N.C. (F) surpassed both the Congress (I) and independents in Rajouri and Darhal assembly segments of Rajouri District simply because of predominance of Muslim voters. But in Nowshera segment of this distirct where a large majority of the voters were Hindus and Sikh refugees from Pak occupied area of Jammu and Kashmir, the performance of Congress (I) was much better as compared to N.C. (F) which stood third. i.e., lagging behind independents. Community considerations seemed to have motivated the electorates in this district of the constituency.

Thus we may conclude that in spite of the best efforts of N.C. leadership and Dr. Karan Singh, they could not make dents in Jammu distirct— strong-hold of Congress (I). N.C. (F) proved itself to be a party not acceptable to its people. Congress-I by its brilliant performance even shattered the dream of Dr. Karan Singh who considered himself to be an undisputed leader of Jammu region. Rajouri district, however, did not exihibit the same trend as was noticed in Jammu. Why should such a shift take place is of considerable interest to poitical scientists? Does it further confirm the political maturity of electorate or does it reveal their weakness towards considerations such as caste, community and the like has to be investigated further before definite inferences can be drawn? One thing, however, becomes clear that electorate acted quite independently. But the party affiliations in the district of Poonch were quite

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strong. In spite of their best efforts neither Congress (I) nor Dr. Karan Singh could make dent in this strong-hold of N.C. (F) of the Jammu-Poonch constituency.

Congress-I won the election because of its image and strong undercurrent of sympathy which people had for the Prime Minister, Rajiv Gandhi. Another factor which came handy to Mr. Gupta (Congress (I) candidate) was the near polarisation between Sikhs and Muslims on the one side and others on the other. But this could not be generalised that Muslims voted enblock in favour of N.C. (F) or Hindus in favour of Congess (I) or Dr. Karan Singh. Because the Congress (I) had been able to make in-roads into the Muslim dominated areas considered as the strong-holds of N.C. (F). Similarly, N.C. (F) had been able to get the votes of Hindus. The Rajput votes also did not go enbloc in favour of Dr. Karan Singh but it get polarised between Congress (I) and Dr. Karan Singh. Congress (I), however, did make inroads into some of the Muslim dominated areas which were regarded as the strong-holds of National Conference (F). Similarly National Conference (F) also succeeded in getting some votes of non-Hindus in the Hindu dominated belts of the Constituency. The Rajput votes also did not go enbloc in favour of Dr. Karan Singh but were divided between Congress (I) and him. Congress (I), no doubt also had some Muslim support but not much in Poonch-Rajouri Assembly segments i.e., the Muslim dominated belts of the constituency. The Sikhs who were bitter and resentful because of the atrocities committed against their community after the assassination of Mrs. Gandhi, rejected Congress-I and voted in favour of N.C. (F).

It may thus be said that Congress-I, like in the rest of India also emerged a popular political party particularly in the Hindu-dominated belts of Jammu-Poonch Costituency. Whereas National Conference-F (a regional party in J&K) is more effective only in the Muslim dominated belts of the constituency. The opposition parties, however, could not present a viable alternative for Congress-I. Though, the constituency was clusterred with a large number of independent candidates yet most of them were not at all serious about the election. As a result there were more than a dozen of symbols on the ballot papers. This created not only administrative difficulties but unnecessarily confused the illiterate voters.[37]

Another fact made evident was that in the given constituency all the previous elections were characterised by the competition between Congress-I and Bhartiya Jana Sangh or Bhartiya Janata Party. But since 1983 the elections showed a new trend. The competition between the parties does exist but only between Congress-I and National Conference

Farooq. The support base almost remained the same. The only difference is that the BJP support base has now shifted towards Congress-I. The voters have not changed their loyalities towards their ideologies but towards parties only. They got the same thing in Congress-I which BJS or BJP promised them. The Bhartiya Janata Party is, thus, no more a threat to Congress-I in Jammu whereas National Conference-F is trying hard to build its support base and to emerge as a viable opposition in this region also.

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20. The candidates left in the field were :
    1. Mr. Janak Raj Gupta, Congress (I)
    2. Mr. Shabir A.Salaria, N.C. (F).

    Rest of fourteen independents were :–
    3. Dr. Karan Singh.
    4. Bhagat Singh Sandhu.
    5. Om Raj.
    6. Babu Ram Advocate.
    7. Babu Ram Singer
    8. Subash Chander Sethi;
    9. Ram Saroop
    10. Susheel Kumar.

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11. Manjeet Singh.
12. Bansi Lal.
13. Mohan Lal Sapolia.
14. Hari Om Raina.
15. Sat Paul.
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EIGHTH LEGISLATIVE ASSEMBLY ELECTIONS IN JAMMU AND KASHMIR

Election is reckoned as a part of machinery of government at least in the democratic countries.[1] It is the only tangible means of finding out the extent of political participation and procedure for aggregating preferences of a particular choice.[2] Elections, being an educative opportunity of the process of legitimisation of power,[3] a people's mandate,[4] a verdict and selection of leaders, induct a new blood into political system, invests the government with the consent of the people, imparts the continuity or peaceful and orderly replacement of the government,[5] an important mechanism of people`s particaption in the system and their linkage wirh authority, are the powerful agents of political socialization and the source of political recruitment.[6] Although the success of democracy depends upon free and fair elections, yet the pattem of voting is generally determined not only by policies, programmes or ideology but by other factors which govem the social ethos and a common voter is baffled by what he sees and finally surrenders himself to the strain or local or personal pressure operating in his caste, religion or community group.[7] Moreover, certain environmental factors do impinge upon each election and influence the final outcome which in itself has important consequences for future political process. In short for the political system, elections are important device for assuring legitimacy and allegiance, and for system maintenance and support building.

As elections are not only part and parcel of democratic political system but also play a vital role in its political life, their study has become most important. These are to be analysed within the context of the total political and social system.

Viewing in these perspectives, the analysis of the Eighth Assembly Election of 1987 in the Jammu and Kashmir State is in the nature of mere study of Electoral bahaviour, widely prevalent in the developing

societies having crucial heterogenity and divergence. Moreover, the State Assembly Election of 1987 had especial importance. It was for the first time since the death of Sheikh Mohd. Abdullah that the National Conference (F) entered into an electoral alliance with the Congress (I), after Rajiv-Farooq Accord of 1986 forgetting all past bitterness. This election was held at the time when the fundamentalist and secessienist forces not only reorganised themselves under the banners of M.U.F. but also had posed the serious threat to the communal harmony in the state as well as the unity and intergrity of the country.

However, the electoral experience of the people of the state goes back to 1934, when, as a result of a prolonged movement for the establishment of a responsible government in the state. 38 out of 75 members of the first State Legislature Assembly (Praja Sabha) were elected by different communities, on the limited franchise which covered not more than 3% of the population.[9] Village and district headmen, priests and the managers of the religious property, title holders, pensioned officers, medical officers, medical practitioners, lawyers and those who had passed middle school examination or its equivalent could vote. Women were not given the right to vote.[10] But the J&K Constitution Act No. XIV of S-1966 (J&K Constitution of 1939) extended franchise not exending 8% of the total population.[11] In the first Election to the Praja Sabha in 1934, out of 33 elected seats; 11 candidates, both muslims and non-muslims were returned unopposed.[12] The All J&K Muslims Conference captured all the 21seats reserved for Muslims. So far as twelve Hindu seats were concerned the Sanatan Dharm Yuvak Sabha got 3 seats, the Dogra Sabha 5 and the 2 Sikh seats went in favour of independents with contest.[13] In the first bye-election, which was held in July 1937,[14] the All J&K Muslim Conference once again returned successfuly by maintaining its strength.[15] The four years tenure of Praja Sabha expried in 1938 and the fresh Elections were, therefore, held in the same year. The All J&K Muslim Conference won 20 seats, out of which 10 were uncontested. It, however, conceded one seat to an independent opponent.[16] The next election, which were due in 1942, could not be held because of the outbreak of World War Second and were held on 4th January, 1947.[17] The then main political party The All J&K National Conference boycotted the elections.[18] The other party The All J&K Muslim Conference, therefore, managed to bag 16 out of 21 Muslim seats[19]. The rest of the seats went to independents.

The Constitution of the Indian Republic, however, entrusts the legislative functions to representative bodies elected on the principle of uni-

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versal adult franchise and by secret ballot at the centre as well as at the state levels.[20] But it was only in 1951 universal adult franchise was introduced in Jammu and Kashmir.[21]

Yuraj Karan Singh, the then Regent of Jammu and Kashmir State, however, issued a proclamaton for the constitution of the Consembly on 30th April, 1951.[22] Out of its 100 seats, 25 seats were kept vacant for the people of Pak–occupied Kashmir.[23] The elections were, thus, held for 75 seats – 45 seats for Kashmir (including 2 seats for Ladakh) and 30 seats for Jammu region.[24] All the 75 seats went in favour of the All J&K National Conference.[25] 73 of them were uncontested as the main opposition party The All Jammu and Kashmir Praja Parshid boycotted the election.[26] Actually four political parties— National Conference, Praja Parishad, Harijan Mandal and Santan Dharm Yuvak Sabha put up their candidates. But only two parties— The National Conference and the Hari Jan Mandal went to poll and the other two parties boycotted the elections because of large scare rejection of the nomination papers of their candidates on flimsy grounds. Even the two contested seats that too from Jammu Province, went in favour of the National Conference.[27] The general trend was that the All J&K National Conference was considered as the Party of long oppressed Muslim masses whereas Praja Parishad that of ousted Dogra Maharaja and expropriated Hindu land-lords.

Like the Constitution of India, The Jammu and Kashmir Constitution of 1957 too provides for the election on the basis of adult franchise and secret ballot to constitute the state Legislative Assembly. But right to contest and vote are given only to permanent residents of the State.[28]

In Legislative Assembly elections of 1957 i.e., under the New Constitution, The All J&K National Conference won 68 seats out of which 41 were uncontested. The All J&K Praja Parishad won 5 seats, and one seat went in favour of Harijan Mandal.[29] Meanwhile the jurisdiction of the Election Commission of India had also been extended to the State.[30] In 1962 Assembly elections, the ruling National Conference won 70 out of 75 seats. Out of which 34 seats were unopposed.[31] Whereas Praja Parishad got 3 seats and the remaining 12 seats went in favour of independent candidates.[32] In the state Assembly polls of 1967, the ruling Congress (which was organished in the state by the merger of the All J&K National Conference with Congress in 1964) captured 61 seats, the Jana Sang (the erstwhile Praja Parishad) won 3 seats. The National Conference (Bakshi) got 8 seats. The remaining 3 seats went in favour of independent candidates.[33] In 1972, Assembly elections, the ruling Congress won 58 seats, the Jana Sangh 3 seats, the Jamait-e-Islami

(then a new entrant) 5 seats and the remaining 9 seats were captured by the independents.[34] In 1977 Assembly elections the revived National Conference got 47 seats, Janata Party (newly formed) got 13 seats, Congress 11 seats Jamait-e-Islami 1, Jana Sangh 3 and 1 seat went in favour of an independent.[35] In 1983 Assembly elections the National Conference got 47 seats, Congress (I) 26 seats, Panthers Party 1 seat, People's Conference 1 seat and one seat went in favour of an independent.[36]

Thus, the first Post-independence election to the Consembly/ Legislative Assembly though boycotted by opposition parties had the excitement and the uncertainties of an experience. Second Assembly Election in 1957 was the manifestation of the satisfaction of the masses with the developments during the past three years of the Bakshi's rule. As a result of Sheikh Abdullah's arrest some people were annoyed with Bakshi and Bakshi took the help of election manipulation for returning to power. In 1967 Congress Party won landslide victory and again maintained its dominance in the Assembly. The 1972 Assembly elections showed that the people in J&K were politically conscious. They looked around for concrete advantages rather than false promises. They had a strong propensity to utilise the existing institutional systems in order to achieve their individual or social goals. The election of 1977 was a decisive one because all the parties contested elections with the expectation that they would form the government. Because of discourtesy shown by Morarji Desai and other leaders to the ailing Sheikh Abdullah the people of the Valley though initially supporting Janata Party realised afterwards that their regional loyalities could not be crushed easily. This resulted in the victory of National Conference led by Sheikh Abdullah. Even the Assembly Elections of 1983– the first post-Abdullah election– did not result in the end of one party dominance but Congress Party seemed to emerge as viable opposition to the ruling National Conference.

While further analysing the post-independence State Assembly elections till 1975, one may observe that National Conference Party from 1951 to 1965 and later the Congress party from 1965 to 1975 maintained the dominant position in the Party .Politics of the State. The other opposition parties were fragile, fragmented and ideologically at the extreme. But afterwards [illegible] at the 7th Assembly elections, the Polarisation of the State Politics as well as Delhi V./S. Kashmir had far reaching regional as well as national overtones. The National Conference (F) and Awami Action Committee alliance led to total rout of the Jamat-e-Islami and the Congress (I) -National Conference (K) alliance in the Valley. The same happened in case the support base of B.J.P in Jammu region.

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The support base of B.J.P. in Jammu had shifted towards Congress (I). The voters did not seem to have changed their ideological loyalties, instead they had changed their parties. Actually they got the same thing in the Congress (I) which B.J.P. or erstwhile Jana Sangh and Praja Parishad parties promised them.

G.M. Shah's Ministry, which was formed in 1984 was dismissed and Governor rule was imposed in March 1986[37] on the charges of corruption, the outbreak of unprecedented communal riots in Anantnag and other districts of the Valley.[38] On the expiry of Governor's rule after six months, the state was put under the President rule on September 6, 1986 for the first time.[39]

Meanwhile Political scenario in Kashmir resulted in a start of dialogue between Dr. Farooq Abdullah and Mr. Rajiv Gandhi to patch up and bring about political stability in the State.[40] By that time central leadership had, however, tried all other alternatives to bring to rest all issues, conflicts controversies, and tension of the Kashmir's Constitutional relations with the centre but failed miserably. Some of the top Congress (I) leaders still believed that Dr. Farooq Abdullah was the only person who could contain fundamentalists and present a Pro-national front in the Valley, as he was still enjoying the undisputed support of Kashmir masses. [41] They were also of the view that confrontation between National Conference(F) and Congress (I) had proved harmful not only for the development of the people of the State but also disrupted its communal harmony, endangered its peace and its stability.[42]

Dr. Farooq Abdullah, on the other hand, was equally convinced that it would not be possible for his party to come to power or to remain in power for long even after winning a clear cut majority without the confidence, cooperation, support and goodwill of the top leadership of the ruling party at the Centre.[43] He also realised that the last few years confrontation with the centre had cost the state's development heavily.[44] Thus, after eight months negotiations Rajiv-Farooq Accord was signed and an interim coalition government of National Conference (F) and Congress (I), with Dr. Farooq Abdullah as Chief Minister was sworn in on 6th November, 1986. As one of the conditions of this accord was to call fresh elections in the State, the 7th State Assembly was dissolved on 7th November 1986.[45] and fresh elections were ordered to be held on March 23, 1987.[46]

There were 519 candidates in the fray for 76 member house excluding two nominated members viz. 45 of the National Conference (F) 31 of Congress (I), 29 of B.J.P., 9 Lok Dal, 11 of Janta Party, 6 of C.P.I., 3

CPI(M), 3 Congress (S), 21 Peoples Conference, 23 Panthers Party and 338 independent candidates[47] (including 4 M.U.F and 4 B.S.P who contested as independent candidates). The polling in Bhaderwah had been counter manded due to the death of B.J.P. candidate and polling for two seats of Leh and Kargil had been postponed due to the severe cold weather.[48]

The battle lines had, however, been drawn with the National Conference (F) and Congress (I) alliance facing the Muslim United Front, a combination of fourteen fundamentalist and secessionist groups posing the main challange to it in the valley with 42 seats. But in Jammu there was no such polarisation though the Hindu obscurantists had emerged a potential threat to the Alliance in about half of a dozen constituencies. In other constituencies of the region, it was mostly a caste war than any measure of testing strength on the basis of programme and policies of the candidates or their parties.[49]

As each election signifies, high political drama in a democratic society, the competing political parties and leaders not only use various methods, techniques and tools to reach and influence the electorates but also highlight their stand on the issues of the day and generally identify themselves with these issues. Congress (I), therefore, raised the war cry of danger of the country's unity ; integrity and freedom due to a fresh consolidation of the communal, fundamentalist, separatists and secessionist forces in the Valley.[50] By strongly defending Rajiv-Farooq Accord and Kashmir's special status in the Indian Union once again it pledged not only to fight out such anti-national forces but also to remove socio-economic backwardness of the people of the state.[51]

National Conference (F) leadership too by defending the Rajiv-Farooq Accord and alliance and fighting against anti-national forces pledged to start a ceaseless struggle to safeguard the identity of the state within Indian Polity and promote its autonomy, a balanced hormonious development of all the regions and sub-regions of the state, speedy agrarian reform, and a quick implementation of the Directive Principles of the State Policies in the State Constitution in the matter of building of a socialistic Agrarian Economy with a view to making it more responsible to the urges and aspirations of the people.[52]

B.J.P— the main opposition party in Jammu region- by criticising the National Conference (F) and Congress (I) Accord and alliance pledged to scrap controversial Resettlement Bill, abrogate Article 370, increasing the number of Assembly seats of Jammu region from 32 to 38 and its speedy development.[53]

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The People's Conference leadership while dubbing India as a Communal and Colonial power, calling accession of the state with Indian Union a tragic blunder, guiding Muslim Youth to emulate themselves and condemning the Rajiv- Farooq Accord, appealed the voters not only to strength article 370 of the Indian Constitution but also be ready to launch a campaign for the ouster of Dr. FArooq Abdullah from power.[54]

C.P.I. (M) strongly opposing the Rajiv-Farooq Accord, supported the special status of Kashmir to enable them to fight against imperialism and to facilitate the agrarian reforms and above all its being remaining free from interferences of the President of Indian Republic.[55] Even the Panther Partty regarded the Rajiv-Farooq Accord as unholy. It pledged to defend the politico-economic, civil and constitutional rights of the people of all the three regions of the state, the setting up of Regional Development Councils and introducing of a 3-tier financial budget to ensure separate non-transferrable funds to each region so as to achieve justice for the people and to live in dignity, brotherhood, peace and prosperity.[56]

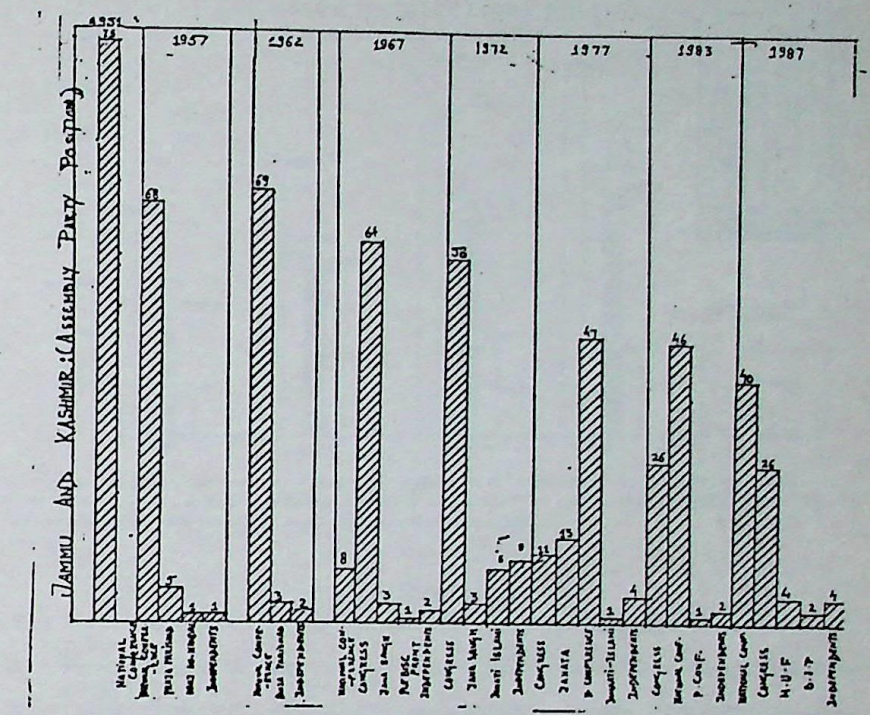
Janata Party also while attacking the Rajiv-Farooq Accord and pledged to remove poverty, to strive for the integrity of the state, provide citizenship rights to the refugees form West Pakistan and to grant unemployment allowance to unemployed youths.[57]

Lok Dal, by denouncing the National Conference (F) and Congress (I) alliance, pledged to defend the interests of the middle classes, especially the middle income farmers.[58]

However, the table showing J&K State Legislative Assembly Party positions from 1951 to 1987 is given as under :—

The Independents, on the other hand, raised the issue of discrimination of Jammu and Ladakh regions, proprietary rights to the refugees, favoured Resettlement Bill, abrogation of Article 370 and unity among the people of the state.[59]

Table 1. State Legislative Assembly Party Position from 1951 to 1987.



Different Parties applied different kinds of campaigning strategy and techniques in the eighth state Legislative Assembly election of J&K. The strategy of Congress (I) – National Conference (F) parties was to cut the ground from under the opposition and project their Alliance as the only one capable of looking to the country's needs. They also blamed opposition for joining hands with anti-national elements. B.J.P., major opposition Party in Jammu, however, while attacking Congress-I for its alliance with National Conference, exploited their accord to attract more votes. In the Valley, Muslim United Front also followed the same strategy to win over more votes, Muslim United Front's campaign strategy also stressed on the preservation and protection of the identity and unity of the Muslims. The only plank, therefore, on which they depended was exploitation of religious forces. Panthers Party on the other hand, exploited the integrationist sentiments of the people and pledged for the integrity of the state as well as that of India as a whole.[60]

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The techniques adopted by different parties were more or less the same. All of them organised public meetings and processions, launched advertisement blitzkrieg, displayed flags and party symbols ; played taped speeches of top-leaders and invented new slogans for attracting the attention of the voters. The highest majority relied upon locality to locality compaigning technique. The next highest majority held general public meetings and rallies. Some of them rellied more on door to door canvassing. Others stressed upon processions and advertisement blitzkrieg.[61]

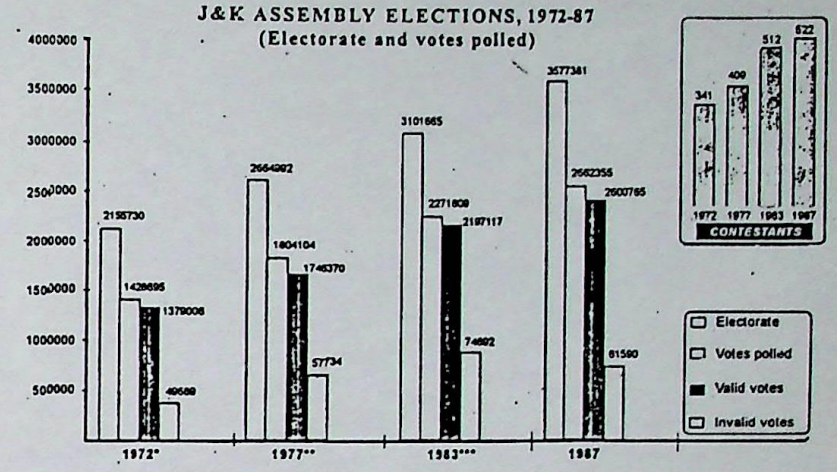
The National Conference (F) bagged 41 seats (32 from Kashmir, (1 from Ladakh and 7 from Jammu region), including one nominated member. Congress (I) got 27 seats (6 from Kashmir, one from Ladakh, 19 from Jammu and one nominated). MUF captured 4 seats, 2 by B.J.P. and other 4 by the independents- three from Jammu and one from the Valley.[62]

Peoples Conference, Panthers Party, C.P.I., C.P.I (M), Janata Party, Lok Dal, B.S.P. were completely wiped out.[63]

The Sociological Backward of the elected members highlighted certain important factors. The Legislative Assembly was dominated by men. Most of the Legislators were rural born. Muslims formed the largest group representing in the Assembly. The greater number of them were belonging to 50 to 60 yrs. of age group. Most of the members were holding law degress. This reveals the fact that in the state of J&K law and politics are listed together since independence period and cannot be separated from each other. Similarly businessmen were also inclined to politics as a large number among elected members were businessmen. The largest number of members represented an annual income group between Rs 21,000 and Rs 30,000. The majority of the members had no previous legislative, administrative or local government experience. The highest percentage of them decided on their own to contest the elections and chose particular constituency simply because they belonged to it. Next came the category of those who were persuaded by their respective political parties or social circle to contest. The highest percentage of members chose to contest because of party decision.

The following table, however, shows the Jammu & Kashmir State assembly elections from 1972 to 1987 alongwith electroate and votes polled :—

Table 2. J&K Assembly Elections, 1972-87.



* Electorate of 75 Constituencies ; Polled/valid/invalid votes of 71 constituencies ; four seats went uncontested.
** Electorate of 76 Constituencies (one seat added in pursuance of 12th constitutional ammendment in 1975)
*** Polled/valid/invalid votes of 75 seats; election in Doda suspended.

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21

INDIRA-SHEIKH ACCORD OF 24TH FEB., 1975

Central Government was keen to arrive at a sound solution of Kashmir Tingle because Kashmir issue was still being treated as an international issue (as is indicated by Tashkant talks and Shimla Agreement). In spite of the arrest of Sheikh Abdullah in 1953 and coming up of a number of new leaders of the All Jammu And Kashmir National Conference/Congress parliamentary party such as G.M. Bakshi, Kh. Shamsuddin, G.M.Sadiq and Qadim, the problem of communalism and secessionism continued not only to exist but had taken a serious dimension in the State. People of the Valley seemed to have been not pacified with different regimes since August, 1953. Sheikh Abdullah was still regarded as undisputed leader of the Valley and his influences in the political circles still regarded as paramount. Some of the Kashmiri leaders even challenged the state accession with the Indian Union and pleaded for the holding of plebiscite to decide it finally. Moreover, Pakistani influence on the people of the Valley was also on increase.

In the light of the circumstances mentioned above Indian leadership particularly Mrs. Gandhi, the then Prime Minister, seemed to have been convinced that it was not possible to get the popular support from the Valley by ignoring Sheikh Abdullah as well as no final solution of Kashmir issue would be possible without taking Sheikh Abdullah into confidence.

On the other hand, the failure of Pakistani army to capture Kashmir by force in the past ; the then political turmoil in Pakistan, because of refusal of West Pakistani leaders to accept Mujub-ur-Rehman from East Pakistan whose party secured majority in the then Assembly Elections, as the Prime Minister of Pakistan, subsequent civil war in East Pakistan, Pakistan armies massacring ; raping and commission of other atrocities on the co-Muslim brethren of East Pakistan had deep impact on the thinking of Kashmiri leadership. Most of them were of the opinion that the people of the state might have been treated by the Pakistani leadership in the same way as they did in East Pakistan if the state

acceded to Pakistan. Moreover they were also clear in their mind that the possibility of Kashmir to be independent was very bleak because of the fact that it was surrounded by a number of countries. They finally seemed to have been convinced that if there could be any solution of their problem, it would be within the framework of Indian Constitution.

This change in the life of the sub-continent, the changing attitude of the central leadership and the policy of liberalisation adopted by the then state government and the offer of Syed Mir Qasim to opposition leaders in Kashmir including Sheikh Abdullah to join the main-stream of State's political life invoked a favourable response from Sheikh Abdullah. He, therefore, thought that it was better for their benefits to reconcile their position and try to solve the problems peacefully and in a spirit of mutual understanding. He realised that the method they had adopted in their struggle for freedom had practically denied the people to have a government of their own choice. The leaders of the plebiscite front, therefore, tried to rethink on their future in Kashmir. They wanted to have a government of their own choice for the benefit of common people in Kashmir. So they started to rethink on their terms with India and wanted to reach an understanding with the Union Government. Sheikh Abdullah, therefore, in a public speech, affirmed his faith in accession, secularism and democractic socialism. He, for the first time declared that,"his quarrel with India was not on the question of accession but on the quantum of autonomy of the state in its relationship with India".

Such kind of attitude of the Plebiscite Front leaders encouraged Indian Government to seek a compromise with Sheikh Abdullah. The Central government was very much keen to arrive at a sound solution about Kashmir problem.

For the first time an awareness and keen desire to have a dialogue between Sheikh Abdullah and New Delhi was voiced in Lok Sabha by Shamim Ahmed Shamim. Shamim was asserting the need for a dialogue with the ousted Kashmir leader.

The Prime Minister Smt. Indira Gandhi thought, "to de- internationalise the Kashmir issue, it was better to have an agreement with Sheikh Abdullah".

Consequently, Prime Minister of India, Smt, Gandhi in 1972 said that she wanted a new chapter to open with regard to Kashmir leadership.

She had realised that the Kashmir problem could not be solved unless the leaders of the plebiscite Front were taken into confidence. Accordingly, Sheikh Abdullah, the patron of the Plebiscite Front, recip-

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rocated the call and made it clear that he would not say, "no" to Mrs. Indira Gandhi's expressed desire to turn over a new leaf in relation between India and Kashmir ".....Let us hope and pray for success..... The issue was not accession but the quantum of autonomy."

Sheikh Abdullah expressed his desire, "to make a limited beginning with the hope that the conditions will take a turn for better and that the people of Kashmir will come closer to India".

All these factors pressed together paved the way for table negotiations and the Centre and State leadership continued to find ways for a better solution of Kashmir within the constitutional framework of India. These deliberations were later pursued by Mr. Parthasarthy as the representative of Mrs. Indira Gandhi and Mr. Mohammad Afzal Beg as the representative of Sheikh Mohammad Abdullah.

The discussions started between Mr. Beg and Mr. G. Parthasarthy on constitutional relationship between centre and state in which Swaran Singh, Syed Mir Qasim and D.P. Dhar also made their contributions. Most of the people described the negotiations for the beginning of a new chapter, in the affairs of the state. The Cheif Minister, Syed Mir Qasim, admitted that Sheikh Abdullah."can play a great role in strengthening the democratic and socialist forces in the country".

Negotiations between Sheikh and Mrs. Gandhi or more accurately between their emissaries Mirza Afzal Beg and Mr. G. Parthasarthy dragged on for full four years before a mutually satisfactory agreement was reached. The talks centered round the statements of Sheikh Abdullah upholding the finality of Kashmir's accession to India and demanding maximum autonomy as envisaged in the instrument of accession. The Plebiscite Front leadership wanted the centre to retrace the steps it had taken since the Delhi Agreement which was signed twenty three years ago. This meant that the jurisdiction of the Supreme Court, the Union Public Service Commission, the Election Commission which had been extended to the state would have to be removed. They favoured dissolution of the state assembly followed by the fresh elections to examine the legality of the laws extended to Jammu and Kashmir State after August 1953".

These were some of the demands which became the basic cause for the differences between the two parties. However, Sheikh Abdullah while explaining his stand wrote to Shri Parthasarthy that,"In our talks yesterday, and the day before, I hope that I have made it abundantly clear to you that I can assume office only on the basis of the position it existed on 8th August, 1953. With regard to the

provisions of the Constitution or the Union laws and entries applied to the Jammu and Kashmir state after 9th August, 1953, judgement there upon will be deferred until the newly elected assembly comes into being".

It was clear that Sheikh Abdullah was ready to accept or assume office of the Chief Ministership of Jammu and Kashmir only when centre would restore the pre- 1953 position. But the central government was not ready to accept his demands. The Union Government was not prepared to revise its policy towards Sheikh Abdullah until he reaffirmed in unequivocal terms that Kashmiris accession to India was final and irrevocable.

Mirza Mohammad Afzal Beg, on November 13, 1974, in a letter to G. Parthasarthy reminded him that in the course of their discussion he made a proposal that appeals to the Supreme Court under Article 132 of the Constitution of India from the decisions of the High Court of Jammu and Kashmir would be only on a certificate under clause I of that Article. After a detailed discussion Parthasarthy had agreed to the proposal and stated that it could be implemented by an order under article 370 making suitable notification under article 367 of Indian Constitution. It was clear that centre was not ready to accept the proposals which had been made by Mirza Afzal Beg, the representative of Sheikh Mohammad Abdullah. Only because of these intentions in mind Parthasarthy had agreed that, these provision could only be implemented by an order of the President of India in accordance with the procedure prescribed under article 370.

Mirza Afzal Beg, therefore, signed the proposals as modified by G. Parthasarthy, the representative of Mrs. Indira Gandhi. But Beg in a letter to G. Parthasarthy on the same day recalled him the course of their previous discussions that he had made proposals on the following fundamentals :—

1. That the provisions relating to the fundamental rights to be incorporated in the state constitution.
2. That the superintendence, direction and control over elections to the state legislature by the election commission be removed.
3. That Article 356 should be modified to require the consent of the state before an order is issued there under, or some similar safeguard should be provided.

But the centre was not ready to accept all the proposals of Mirza Afzal Beg. G. Parthasarthy, therefore, did not agree to the proposals and strictly adviced Beg that the proposals on which they had disagreed

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should not be made public without the consent of the Prime minister. He also recommended to Beg that he had already stated in the heated discussions which had taken place between them and had told him that she could not agree to these proposals for the same reasons.

While this correspondence went on, some of the demands aroused criticism from the opposition parties. The Jana Sangh President, Lal Krishan Advani, warned the centre, "Any step against integration would be dangerously fraught with grave consequence".

In a statement, the then General "Secretary of Jammu and Kashmir Pradesh Congress Committee urged the Prime Minister to tell Sheikh Abdullah firmly that there would be no reversal of the process of integration of the state with the rest of the country. The Awami Action Committee of Maulvi Farooq also opposed the talks between G. Parthasarthy and Mirza Afzal Beg. But the Jamaat-I-Islamia of the state questioned the wisdom of the Plebiscite Front President Mr. Beg wasting two decades to affirm the reality of Kashmir's accession to India.

The nature of Jammu's response to the talks between Parthasarthy, the Prime Minister's negotiator and Mirza Afzal Beg, the Sheikh's spokesman, was a highly complicated one. The State Jana Sangh backed by its national level leadership suspected that the National govemment might concede more and more autonomy to the state and that would be from the party's standpoint as perceived by it contrary to the national interest. In this connection the hostility of the party to the negotiation related back to the event of 1953 when on the question of autonomy there developed a crucial crisis in the state which led to the formation of a new government by Bakshi who was deputy Prime Minister in the outgoing Sheikh's cabinet, the dismissal of the Sheikh Govt. and the beginning of what oriented to 22 years period of his remaining in political exile from the state and national politics. The Jana Sangh seemed to have been apprehensive of the adverse effect of the Sheikh's retum to power in State politics on the process of increasing centrealization of certain subjects which had been witnessed between 1950 and the negotiation leading to Accord in 1975.

While correspondence went on between Mirza Afzal Beg and G. Parthasarthy, they kept respectively their leaders Sheikh Abdullah and Mrs. Indira Gandhi informed about their discussions and deliberations. Consequently, Sheikh Mohammad Abdullah wrote to Mrs. Indira Gandhi, Prime Minister of India, in a confidential letter that Mirza Afzal Beg had already written to him that he and G. Parthasarthy had reached the conclusion in regard to constitutional matters concerning the relationship between Jammu and Kashmir State and the Union of India. Sheikh added that at their instance they had detailed discussions on these matter of which he had received the documents from Mirza Afzal Beg containing the points on which agreement had been reached. He also had received the copies of those matters on which their emissaries had not reached any agreement. Sheikh Abdullah wrote to Mrs. Gandhi that

> "I have several times explained to you my point of view in regard to matters on which the two emissaries have disagreed. I trust you will kindly accommodate our view point to enable me to achieve the main objective."

Sheikh Abdullah was of the view that there should be a dialogue between him and Mrs. Gandhi and wanted to discuss those issues with her on which their two emissaries had not reached a conclusion. Sheikh Abdullah was confident that he and Mrs. Gandhi would definitely reach a settlement which would provide an amicable basis for him and for the people of the Jammu and Kashmir to cooperate in cementing the Centre— State relations and healthy ties between the Government of India and Jammu and Kashmir State.

On the other hand, Mrs. Gandhi had already received the documents which Parthasarthy and Beg had prepared at the conslusion of their discussions and deliberations. She was of the view that the basic issues had already been thoroughly discussed and Mr. Beg had presented the views of Sheikh Abdullah fully. She, therefore, doubted whether anything would be gained by their discussions on those matters which had been left over by Mirza Afzal Beg and G. Parthasarthy. She wanted that Sheikh Abdullah should write to her about the maintenance of those basic features of the state constitution, which according to Smt. Gandhi were necessary not only for uniformity but also to give a measure of confidence to the people regarding the democratic functioning of the government in the State of Jammu and Kashmir. Smt. Gandhi totally agreed with Sheikh that political cooperation between them would further strengthen the bond that existed between the State of Jammu and Kashmir and the Union of India.

Sheikh Abdullah on the other hand,wanted that Mrs. Gandhi should agree with him that the sole means to repair the vast damage done to the Indo- Kashmir relationship by the arbitrary action of 9th August, 1953 lay in complete understanding and trust between them. If that trust, according to Sheikh Abdullah, was lacking even in a very small measure, all their efforts to reach an understanding would prove fruitless. He was of the view that the accession and autonomy are interdependent. He,

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therefore, wanted an agreement between the State of Jammu and Kashmir and the Centre only within the frame work of Article 370 of the Indian Constitution and the Instrument of Accession. He was of the opinion that the Instrument of Accession signed by the Maharaja guaranteed complete internal autonomy to the state. So he argued that taking away of autonomy would destroy the very foundation on which this relationship existed. Sheikh Abdullah, in other words meant that he could only start from the point where he had left it in August 1953.

Sheikh Abdullah appreciated the dialogue and said that the main purpose of the dialogue was to remove misapprehensions on either side, to ensure that the bond between the Union and State was further strengthened. It also opened for the people of the state chances of their welfare and development. He hoped that Mrs. Indira Gandhi would appreciate that the sole reason for agreeing to co-operate at the political and governmental levels was his concern for the well being of the state.

As Sheikh Abdullah stated that the country was passing through a critical period and it was all the more necessary for all those who cherished the ideals of democracy, secularism and socialism that they should strengthen the hands of their leaders. And it was in that spirit that he was offering his whole-hearted co-operation.

Consequently, Mrs. Indira Gandhi appreciated Sheikh Abdullah's concurrence with the conclusions reached between Mirza Afzal Beg and G. Parthasarthy on certain constitutional aspects of the relationship of the Centre with the State of Jammu and Kashmir.

However, commenting on Sheikh's desire of going back to pre-August, 1953 position, she said that :

> "Clock cannot be put back and we have to take note of the realities of the situation. I am appreciative of the spirit in which you have expressed your agreement with the terms of the agreed conclusions".

In order to ensure full co-operation from the state administration, Mrs. Gandhi kept Syed Mir Qasim, the then chief Minister of the state well informed and the later was in full agreement with her policy of reapproachement with Sheikh. Mrs. Gandhi was of the view that the central government should continue to cooperate with the state government fully in respect of measures to be undertaken by the state government for the progress and welfare of the people of that state. She also thought that the state was passing through a critical period and that the cooperation of Sheikh in cementing the centre— state relations would be encouraging.

According to Mrs. Gandhi, Sheikh Abdullah had got a secular mind and despite some differences he was loyal towards India and treated accession of the state with the Union of India as final and irrevocable.

The developments reached the climax when in 1974 the Union Govemment agreed to examine the difficulties of Sheikh Mohammad Abdullah in carrying the people with him in case the status quo was maintained. On the other hand, Sheikh gave up the demand for Plebiscite and did not insist on Pakistan being a party to the Kashmir dispute. Sheikh Abdullah modified his stand on Plebiscite, and expressed his least concern with it. Thus, instead of an international problem the Kashmir issue was reduced to an internal one. Even Balraj Puri put it that :

> "Sheikh and the Plebiscite Front had cooled down considerably".

It seemed that the Union Govemment had already prepared itself to do business with Sheikh Abdullah and waited for the right time : probably after the then Uttar Pradesh elections, when some people expressed anxiety over some of his earlier speeches. In the opinion of Mrs. Gandhi the Kashmir problem was not a serious one. She said,"leave Sheikh Sahib to me".

Eventually, the issue was decided and the Front leaders were convinced that the process could not be reversed. By the end of 1974, Sheikh Abdullah came to realise that it was impossible to go back to 1953. The efforts materialised by "Accord" between the Central leaders and the front leaders on 24th of February, 1975. Mr. Bazaz had put it :

> "The protracted negotiations were carried on secretly and Kashmiris were not taken into confidence until the deal was struck early in 1975. The outcome put down in the shape of an agreement between Sheikh Abdullah and Mrs. Indira Gandhi, Prime Minister, is known as Kashmir Accord. It was presented to the Indian Parliament alongwith all relevant correspondence on February 24, 1975 with a statement by the Prime Minister, and was passed by the latter."

However, the following specified questions were left over for further considerations at an appropriate time :—

1. What should be the convention with regard to the consultations with the State govemment for appointment of the Govemor under Section 27 of the State constitution?
2. Whether any modification is called for with regard to the extension of the scheme for the All India Services to the state?

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The proposals and discussions which were agreed upon by both the emissaries of Sheikh Mohammad Abdullah Smt. Indira Gandhi were incorporated in the "Accord" in the form of agreed conclusions. The agreed conclusions of the accord were as under :—

Agreed Conclusion

1. "The State of Jammu and Kashmir which is a constituent unit of the Union of India shall, in its relations with the Union, continue to be governed by Article 370 of the Constitution of India.
2. The residuary powers of legislation shall remain with the state, however, the parliament will continue to have power to make laws relating to the prevention of activities directed towards the disclaiming questions or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.
3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits ; but provisions of the Constitution of India already applied to the state of Jammu and Kashmir without adaptations or modifications are unalterable.
4. With a view to assuring freedom to the state of Jammu and Kashmir to have its own legislation on matters, like welfare measures, cultural matters, social security, personal law, and procedural laws, in the manner suited to the special conditions in the state, it is agreed that the state government can review the laws made by the parliament or extended to the state after 1953 on any matter relating to the concurrent list and may decide which of them, in its opinion, needs amendment or repeal. Thereafter appropriate steps may be taken under article 254 of the Constitution of India.
   The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by parliament in future under the proviso to clause (2) of that article. The state government shall be consulted regarding the application of any such law to the state and the views of the state government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided under article 368, a suitable modification of that article as applied to the state should be made by presidential order to the effect that no law made by the legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision, of the Constitution of the State of Jammu and Kashmir relating to any of the under mentioned matters, shall take effect unless the Bill having been reserved for the consideration of the President, receives his assent, the matters are :-
   (a) The appointment, powers, functions, duties, privileges and immunities of the Governor ; and
   (b) The following matters relating to elections namely, the superintendence, direction and control of elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the legislative council being matters specified in sections 138, 139,140 and 150 of the Constitution of the State of Jammu and Kashmir.
6. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is therefore remitted to the principles."

An analysis of the agreed conclusions highlights the following points :

(a) It reassured Kashmir's special status as there is to be no change in Article 370.

(b) Residuary powers remain with the state legislative in order to preserve its special status to the extent guaranteed by Article 370. At the same time, the parliament retains the power to safeguard the territorial integrity, honour and sovereignty of the Indian Constitution, the National Flag and the National Anthem.

(c) The result of the mutual negotiations which emerged in the shape of what was known as the Delhi Agreement is intended to be kept intact wihtout any alteration and as such the provisions of the Indian Constitution which have been extended to the state subsequent to the Delhi Agreement with modifications and adaptations by the presidential orders from time to time, can be re-examined on individual merit and allocations made if necessary.

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(d) The powers of the state govt. to legislate on matters relating to welfare measures, cultural matters, social security, personal law and procedural law in the light of special conditions pervailing in the state have been safeguarded with a view to ensure the freedom of the state in such matters. Further, it has been given the powers to review such pieces of legislation as have been extended to the state after 1953 under the concurrent list by Presidential orders, and see if they need any amendment or repeal so that steps may be taken to recast or re- enact such provisions under article 254. Grant of President's assent to such bills shall be sympathetically considered not only with regard to the intervening period but the same approach will be adopted for future legislation on the concurrent list, and the views of the state govt. will always be taken into consideration.

(e) To avoid any anomalies or constitutional controversies between the Centre and the State it has been agreed that the State legislature can-not change the provisions of the state constitution dealing with the Governor or elections and adult franchise without getting President's assent.

(f) Regarding the nomenclature of Governor and of the Chief Minister, who were once called as Sadar-i-Riyasat and Prime Minister respectively, no agreement arrived at. It was decided that the matter be referred back to the principles.

From the aforesaid analysis of the Accord it may be abundantly clear that the basic fact of accession had accepted. Constitutional relationship upto August 8, 1953 had not been questioned. But the doubts were expressed about the post-August 1953 legislations. There also had been certain provisions which referred to the possibility of revision of the then existing relations. Moreover the provisions regarding Supreme Court were to be revised and the question of nomenclature of Governor and Chief Minister had remained unresolved issue. In short, the provision of the Accord had given an impression that we were back to the earlier phase as symbolised by the Delhi Agreement of 1952, which in its turn was underpinned by Article 370 of the Indian Constitution and the state's instrument of accession to India.

Putting a copy of the agreed conclusions on the table of the House before the members of the Parliament, Mrs. Gandhi pointed out "that these agreed conclusions which had been reached and accepted are in no way contradictory to the Constitution of India. She emphasized that the State of Jammu and Kashmir shall continue to be governed under

the Article 370 of the Indian Constitution. The existing position or jurisdication of the centre over state relating to the matters of questioning or disrupting the sovereignty of the state and territorial integrity of India will not be affected in any way. It has also been agreed that no amendments would be made to the constitution of Jammu and Kashmir State unless the consent of the President of India regarding it may be achieved." As Mrs. Gandhi stated that she personally assured the state government of Jammu and Kashmir regarding their repealing of some central laws passed and applied to the State of Jammu and Kashmir after 1953 in the concurrent list, "such measures as related to cultural matters, social security, proceural laws etc. will be considered by the central govemment sympathetically."

It was the desire of the state leadership regarding which Mr. Mohammad Afzal Beg made a proposal that the Jurisdication of the Supreme Court over the state judiciary may be lifted and all the judicial powers be delegated back to the State High court. It was not accepted by Mrs. Gandhi on the plea that the control over state executive and judiciary regarding the original and appedlate judrisdiction was very important in our democratic political system. It was agreed by Mrs. Gandhi and the state leadership that the provisions in Article 132 (2) need not apply to the state or any action by the centre on this issue may be taken only when the state government initiates this proposal. Mrs. Gandhi stressed on the members of the House that they should note the point that the intentions of the state leadership regarding the change of nomenclature of the Governor and the Chief Minister could not be settled by them. It was agreed upon "that the power of changing the nomenclature of these designations into Sadar-i-Riyasat and Wazir-i-Azam is vested in the state legislature. If the state legislature wishes a change in this regard, it shall have to make amendments accordingly in the state constitution. If the state legislature would amend the constitution, accordingly the centre would have no objection. But so long as the amendments are not made, the present designations will continue."

Sheikh Abdullah was, however, anxious to revive pre-1953 position of constitutional relationship of the state with the centre, when he would be in power.Mrs. Gandhi, as she explained before the honourable Members of the House that she had told Sheikh Abdullah that "clock cannot be put back in this *manner*".

Mirza Afzal Beg suggested that the applicability of the fundamental rights of the Indian Constitution to the State of Jammu and Kashmir should be withdrawn instead these rights should be incorporated in the

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state constitution. He was also of the view that the supervision and control of the election commission to the State of Jammu and Kashmir should also be removed. He also wanted that article 356 of the Indian constitution should not be applied to the State of Jammu and Kashmir, except with the concurrence of the state government. As Mrs. Gandhi stated in the parliament of India, that it was not possible for her to agree to these points or proposals. Mrs. Gandhi stressed, that despite the rejection of these proposals Sheikh Abdullah agreed and accepted the agreed conclusions.

However, as a result of the Accord the Kashmir problem was once again reduced to the domestic level. The congress ministry headed by Mr. Mir Qasim eventually stepped down. The state premiership was offered to Sheikh's Mohammad Abdullah, who assumed the office on 25th Feb., 1975. The wheel has, thus, gone full circle and we are back as it were, to sqaure one, once again.

As already pointed out that the nature of reaction of the rightist parties in Jammu region towards the talks between Shri Parthasarthy and M.A. Beg was a highly complicated one. They suspected that the Central Government might concede more autonomy to the state which would be contrary to the national intersets. While criticising Indira - Sheikh Accord, they pointed out that Sheikh Abdullah's repeated assertions stressing the right of the state to review all the central laws extended to the state at the request of State Governments between August 1953 to the year of Accord, could, have no meaning, but to 'Sell the Settlement' and giving him 'Kashmir on a platter'.

Their apprehensions were that installation of Sheikh Abdullah as Cheif Minister of the State was not only undemocratic but also would lead to the emergence of separatist and disruptionist tendencies in the State.[4] They warned that any step against integration with India would be dangerously fraught with grave consequencies.

There was, however, mixed reaction in the Valley. Inspite of the fact that all the demands of the Plebiscite leadership were not accepted, yet they seemed to be pacified with the conclusions of the Accord. Sheikh Abdullah hailed it as it strenghtened his desire for maximum autonomy for the State as well as a victory of democracy and secularism. As a result, the Plebiscite Front was dissolved and National Conference revived. The Awami Action Committee, right from the very begining opposed negotiations between Kashmir leaders and the centre and it strongly condemned the Accord. Jamait-e-Islami while rejecting the Accord questioned the wisdom of the Plebiscite Front President Mirza Afzal Beg

wasting two decades to affrim the reality of Kashmir's accession to India.

At the international level, a hostile attitude was adopted by Pakistan which made an appeal to the people in Kashmir to observe a hartal which was ignored by the people. Pakistan charged that the New Delhi announcement contravened the spirit of the Simla Agreement under which all outstanding problems, including that of Kashmir, were to be settled through bilateral discussions. Both the Central and State leaders criticised Bhutto for his uncalled interference. Sheikh Abdullah while criticising Bhutto said,

> "Mr. Bhutto has no right to say that my agreement in New Delhi was a violation of United Nations resoutions and a denial of the right of self-determination for the Kashmir people as Mr. Bhutto himself had called them mere scraps of papers."

The Indian Government too rejected the protest made by the Pakistan Government. Besides Pakistan, China also denounced the Accord and once again described Indian leaders as "expansionists".

The observers from in and outside India were of the view that such as Accord, reached between Mrs. Gandhi and Sheikh Anbdullah, was a new landmark in the history of Kashmir since its independence in 1947. "In the first place, there was no two opinions about the crucial importance of the Accord with Abdullah, no matter how divide the council about its merits it is accepted as a landmark in Kashmir histroy as much by those who either dislike it intentionally or have reservations about it as by others who hail it without doubt or questions."[9]

In short it was generally believed that the Accord was a real landmark in changing the character or constitutional relations between the State of Jammu and Kashmir and the Union of India. But inspite of this qualitative change the new relationship between Jammu and Kashmir State and Centre shall have its own dynamic operating which would potentially give result to new irritants, tensions, or confrontations, qualitativley of a different type.

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THE PRE-1953 STATUSk ITS CONSTITUTIONAL AND POLITICAL IMPLICATIONS : A BRIEF APPRAISAL

Once again it may be pointed out that the motivational variations arising out of varied political considerations and failure of the Centre - State leadership at various levels to reconcile the various claims and aspirations led to the crisis of August 1953 in which the first popularly elected ministry of Sheikh Mohammad Abdullah was dismissed and he along with his few staunch supporters was aressted. All the subsequent political regimes were nothing but the puppet governments which further contributed to the alienation of the Kashmiri masses by their wrong policies. As a result the problem of communalism and secessionism had taken a serious dimension in the Valley. Moreover, a number of Kashmiri elites not only started challenging the state accession to the Indian Union but also pleaded for holding plebiscite to decide it finally. Pakistani influence was still on increase and Sheikh Abdullah was still regarded as undisputed leader of the Valley. The National Conference leadership was pressing hard for pre-1953-political status for Kashmir.

On the other hand, as said earlier, the failure of Pakistani army to capture Kashmir by force in 1947, 1965, and 1971 wars, Pak turmoil because of not accepting Mujub-ur-Rehman, a person from East and whose party got absolute majority in the Legislature, as Pak Prime Minister, civil war in East Pakistan, commission of massacring, raping and other atrocities by Pak army on the Co-Muslim brethren had a deep impact on the thinking of Kashmiri elites in general and top Kashmiri leadership in particular. Most of them were convinced that Kashmiris might be treated in the same way as those of Bengali Muslims of East Pakistan if the Valley acceded to Pakistan. They were equally convinced that the possibility of Kashmir to be independent was very bleak as it was surrounded by a number of big empires. They were, therefore, of the view that if there could be any solution of their problems it would be

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the within the framework of Indian Constitution.

As already pointed out that at international level too Kashmir issue was still being treated as an international issue, the central leadership was always keen to arrive at a durable solution of the issue. The Indian leadership was also convinced that it was not possible to arrive at a solution as well as to get a permanent peace in the Valley without taking Sheikh Abdullah into confidence as he was still regarded as undisputed leader of the Valley.

Under these compelling circumstances a prolonged negotiation started between Mr. Parthsarthy and Mr. M.A. Beg— the representative of Mrs. Indira Gandhi and Sheikh Abdullah, which resulted Indira-Sheikh Accord of 1975. During the dialogue the Kashmiri representatives repeatedly stressed for the pre-1953 political status for Kashmir. They were of the view that all the post-1953 regimes contributed to the erosion of State autonomy as guaranted under Instrument of State's Accession with India as well as Article 370 of the Constitution of India.

This demand was again raised during in 1977 State Assembly Elections. But nothing substantial had been done this direction. Almost the same thing happened during Dr. Farooq Abdullah's regime. During 1996 Assembly Elections, the National Conference leadership once again raised the slogan of maximum State autonomy *i.e.*,pre-153 political status for Kashmir. The other people in Valley were raising the bogey of merger of state with Pakistan and complete independence from Indian domination. They stressed that internal autonomy granted to the State under Instrument of Accession, Article 370 of the Constitution of India as well as Delhi Agreement of 1952 were gradually eroded. It led to the alienation of the people of Kashmir from the national mainstream and culminated in the rise of current militancy. In order to restore the confidence of the Kashmiri masses as well as to keep the state as a healthy and vibrant part of the Indian Union it is essential that erosion of autonomy is done away with and the special status of the state is restored in letter and spirit *i.e. to* pre-1953 position. They stressed that autonomy or pre-1953 status was aimed at the overall development of the state, welfare of its people and not in any way going to affect the unity of the Jammu and Kashmir State as well as the integrity of the nation. The National Conference had, therefore, placed emphasis on this in its election manifesto also, and advocated for the acceptance of the restoration of pre-1953 political status. In other words autonomy or pre-1953 status was on the top of the agenda in National Conference election manifesto during assembly elections. But despite the fact that the party emerged as a

winner with two-thirds of majority and got maximum seats from Jammu and Ladakh, it came under severe criticism from other different political parties. The return to power of Dr. Farooq Abdullah in Kashmir with 2/3 majority of National Conference, after almost seven years in wilderness, was a great occasion for the party. It is, therefore, the august duty of the State Govt. to fulfil the promise of restoring Autonomy or pre-1953 status to the state. The National Conference leaders flayed the criticism raised from certain quarters that the Govt. wanted to divide the state and also to weaken the secular fabric of the state as well as of Indian polity. They stressed that the party always stood for communal amity and unity of the country as a whole. While referring to the pre-1953 status of the state Mr. A.R. Rather, the National Conference leader said "the state is a unique one and from legal point of view all arangements with the Centre regarding State-Centre relationship were signed before 1953 which included Presidental Order of 1950 and Delhi Agreement of 1952. Even Article 370 of the Indian Constitution which accorded speical status to the J&K State."

In order to fulfil election promises, Dr. Farooq Abdullah set up a Committee under the Chairmanship of Dr. Karan Singh, former Sadar-e-Riyasat to go into the question of quantum of effective autonomy that the state might enjoy within the Constitution of India, and to give a comprehensive view about the State's Constitutional relationship with the Centre as it evolved since it acceded to India.

The Constitutionl relation between Kashmir State and the Indian Union was first determined by the Instrument of Accession signed between Maharaja Hari Singh— the last Dogra ruler and Lord Mountbatten wayback on 26th October, 1947. By virtue of this Instrument of Accession the Dominion of India's Legislature could make laws for the Kashmir State in respect to :—

(A) Defence :

1. "The naval, military and air force of the Dominion and any other armed force raised or maintained by an acceding state, which are attached to, or operating with, any of the armed forces of the Dominion.
2. Naval, military and air-force works, administration of Cantonment areas.
3. Arms, fire-arms, ammunition.
4. Explosives.

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(B) External Affairs :

1. External affairs, implementing of treaties and agreements with other countries, extradition including surrenderof criminal and accused persons to parts of His Majesty's Dominion outside India.
2. Admission into and emigration and expulsion from India.
3. Naturalisation.

(C) Communication :

1. Post and Telegraphs, telephone, wireless, broadcasting and other such like form of communication
2. Federal railways.
3. Marine shipping and Navigation.
4. Port quarantine.
5. Major ports.
6. Air Crafts and Air navigation.
7. Light Houses.
8. Carriage of passengers and goods by sea or by air.
9. Extension of the power and jurisdiction of the Police force belonging to any unit to railway area outside that unit.

(D) Ancillary :

1. Election to the Dominion Legislature
2. Offences against laws with respect to any of the aforesiad matters.
3. Inquiries and Statistics.
4. Jurisdiction and power of all Courts with respect to any of the aforesaid matters."

Later on, when the Constitution of India was being completed by 1950 certain principles were agreed upon between the representatives of both the Centre and the State in May 1949. The position crystallised finally when the special provision of Article 306-A was drafted for being placed before the Constituent Assembly of India. The position ultimately emerged was that Article 1 and Article 370 of the Constitution of India

were to apply to Kashmir State in their original form. Jammu and Kashmir State is, however, the only state with a Constitution of its own and it mentions that the State is and shall be an integral part of the Union of India. Article 370 of the Indian Constitution, which defines the constitutional relationship between the state and the centre, is originally based on the Instrument of Accession. According to 370 (1) (a) the Provision of Article 238 shall bot apply in relation to the State. By clause (b) the powers of the Parliament to make laws for the state shall be limited to (1) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters with respect to which the Dominion Legislature may make laws for the State and (ii) such other matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India and the matters in the said lists as, with the concurrence of the Government of the State, the President may by orders specify.

Thus the Constitution (Application to Jammu & Kashmir Order 1950) issued on January 26th, 1950 with the Consultation of Jammu and Kashmir Government, defined the jurisdiction of the Union Parliament and the provision of the Indian Constitution application to J&K. The subject matter of this order related to the elaboration of the subject already specified in the Instrument of Accession. To frame a separate Constitution, the Kashmir Constitution Assembly was elected in October, 1951. The monarchy was abolished and head of the State Sadar-i-Riyasat- was elected on June 12, 1952. The new flag was also adopted by the Constituent Assembly of the State in June, 1952. A separate Emblem for the state was also adopted on 12th Nov., 1952.

In Jammu, Praja Parishad strongly objected to the provisions in the Constitution of India which awarded J&K State a special status. It also objected to the permission granted to the State to have its own consembly to frame a separate constitution. The Parishad leaders were critical and opposed the abolition of Monarchy, elected head of State, adoption of separate flag and emblem for the State. The Praja Parishad movement for one President, one flag, one Constitution had a reaction in the Valley and Kashmiri leadership were not in a mood of relinquish the maximum autonomy as guaranteed by the Instrument of Accession as well as under Art. 370 of the Indian Constitution. All this led to the emergence of bittemess and a tug of war between Jammu integrationists and Kashmiri autonomists. Even the misunderstanding between the State and Central leadership about the Kashmir's constitutional relations with centre also emerged.

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In order to iron out the differences a dialouge started between the Centre and State leadership, which resulted in the adoption of the Nehru—Sheikh Accord (Delhi Agreement) of 1952. This accord had also provided for some kind of autonomy to the state. As a result of the accord the residuary powers remained with the state, the state flag was to continue, but the Supreme position of the Indian flag was also recognised. The powers of Pardon etc. of the President and application of Article 324 to the election of the Parliament would continue. On the question of headship of the State, the decision of the Constituent Assembly of the State was accepted and Sadar-i-Riyasat to be elected by the Assembly for a period of 5 years and to be recognised by the President. It was further agreed that although under Article 5 of the Constitution of India the residents of Jammu and Kashmir would be the citizens of India but the State Legislature could define their permanent residents and confer on them special rights and privileges, especially in regard to the acquisition of property and holding of employment under the State.

As said earlier the State Government was accused of implementing only those provisions of the Accord which aimed at maximum autonomy. Praja Parishad launched a movement. By and by the movement assumed serious proportion in which fourteen persons were killed in Police firing and thousands were arrested. Sudden death of Dr. S.P. Mukherji in dentention at Srinagar in mysterious circumstances worsened the situation. Simultaneously the rift was reported to have been emreged in the National Conference leadership. This had created the cracks even in council of Ministers. The first popularly elected ministry was sacked and Sheikh Mohammad Abdullah, Prime Minister of the State, was arrested.

The leaders of opposition parties inside and outside the state did not favour the grant of Pre-1953 Constitutional status to Jammu and Kashmir. They were of the view that by the constitutional relationship between Centre and Sate as incorporated in the provisions of Instrument of Accession 1947, different resolutions adopted by the Kashmir Constituent Assembly till August 1953, and those under the Nehru-Sheikh Accord of 1952, serious limitations had been placed on the authority of the Union President and the Parliament. Objections were raised with regard to restricted powers of the Centre in respect of Emergency power, Fundamental Rights, Double Citizenship and the Supreme Court jurisdiction etc.

While replying to those who opposed to Pre-1953 status Dr. Farooq Abdullah in his recent speech in the State Assembly said that "as his

party has absolute majority it could get legilation of such nature passed". But he preferred to get the cooperation of the masses. That was why a Committee under the Chairmanship of Dr. Karan Singh– the former Sadar-e-Riyasat- was constituted to go into the pros and cons of the issue before taking final decision.

While concluding I may say that the Pre-1953 constitutional position of J&K State will mean that the accession of the State with Indian Union only in three subjects—Defence, External Affairs and Communications. The Parliament will have limited authority viz. to legislate only on the related matters covered in the above mentioned three subjects as well as ancillary matters. Article 1 and Article 370 of the Indian Constitution shall be applicable to J&K in its original form. The provision of Art. 238 shall not be applicable in the state. The powers of the Union Parliament to make law for the state shall be limited to those matters in the Union List and Concurrent List, which in consultation with the govt. of the state, are declared by the President to correspond to matters specified in the Instrument of Accession and such other matters in the said lists as with concurrence of the government of the State, the President may by order specify. In rest of matters the state has full authority to regulate in accordance of its own Constitution that is the residuary powers shall be with the state. The State shall have an elected head of the State, a separate flag and separate emblem, Article 324 for the election of Parliament would continue to apply. Although Under Article 5 of the Constitution of India the residents of the state shall be citizens of India yet the State Legislature will define who are their permanent residents and confer on them special rights and privileges especially in regard to acquirition of property and employment in the State. Article 352 should apply to the State but the proclamation of emergency (Internal disturbances or imminent danger) thereof must not be made applicable in relation to J&K except on the request or with the concurrence of the State Govemment. The Fundamental Rights of the Indian Constitution could not be applied to J&K in full because of different political situtation in the state and because of Socio-economic policies of the State government under New Kashmir programme. The whole matter would be considered by State Legislature as to which Fundamental Rights would apply to Kashmir and with what modifications.

The jurisdiction of the Supreme Court with regard to such Fundamental Rights would be as agreed to by the State, and regarding disputes mentioned in Article 131 of the Indian Constitution it would, however, be the final court of appeal and the details for it to be worked out at future date with mutual consultation.

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All laws enacted by Parliament and extended to the state after 1953, except in regard to the three subjects mentioned in the Instrument of Accession, be reviewed by the State Legislative Assembly. If any of them found deterimental to the State's special status, this may be replaced by the Assembly and the Assembly may enact new laws to substitute it. The matters regarding nomenclatures of Prime Minister and Sadar-i-Riyasat and the powers and appointment of govemor of the State should also be left to the State legislative Assembly for final decision. Although the Kashmiri masses are stressing for the greater autonomy or pre-1953 status, yet neither they or any political party of state want the disintegration of the Jammu and Kashmir state. Gen. K.V. Krishna Rao rightly suggested that the prevailing fear among the minds of the people of being swamped by the majority community or losing their identity or cultural domination by majority community or political, economic and sociological discrimination within the regions and sub-regions be removed at the earlist. Because an inter-regionally harmonised Jammu and Kashmir only can effectively contribute to the strengthening a secular, stable and strong Indian federal polity i.e. the world's largest democracy. Simultaneously, the problem like over control and inadequate devolution of powers, denial of adequate financial and other assistance by the centre and also restricted opportunities for the locals to come up should also be looked into while considering the greater autonomy or pre-1953 status to the State. Moreover the central leadership should always keep in mind that to have a strong nation, there should be strong centre as well as strong states.

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23

POLITICS OF RESETTLEMENT BILL

As said earlier that the first expression of the popular outburst in Kashmir, which had started during the reign of Maharaja Partap Singh, had taken the form of resentment against the outsiders and the slogan had been "Kashmir for the Kashmiri". This had first led to enactment of laws providing preference to '*Mulkis*' over the outsiders and then the State-Subject rules of 1927.[1]

Because of its peculiar circumstances the fathers of the Constitution of India enacted special provisions relating to the state of Jammu and Kashmir which implicity recognised the right of the state to accord this preference to the permanent residents.[2] The citizenship laws of India thus, did not apply to the State.[3] The State-Subject notification No. 1-L / 88 of 20th April 1927, read with the state Notification No. 13/L of 27th June 1932,[4] was, therefore, the Law of the citizen of the State.

In 1950, the constitution of India came into force. Article 370 of the same covered the case of Kashmir. By virtue of the powers conferred by this Article, the President of India, in concurrence with the Government of Jammu and Kashmir issued an order, the Constitution (Application to Jammu and Kashmir) Order, 1950 on January 26, 1950. This order enumerated the provisions of the Constitution of India which were to apply to the State.

The Constitution (Application to Jammu and Kashmir) Order 1950 did not make any change in this respect. Even the entry 17 of the Union List[5] was notified to read only 'naturalisation and aliens' in its application to Jammu and Kashmir.[6]

However, the General Council of the All Jammu and Kashmir National Conference in its resolution dated 27th Oct. 1950 issued a mandate to the Supreme National Executive of the party for convening of Consembly, based upon adult suffrage and embracing all sections of the people for the purpose of determining the future shape and affiliation of the State of Jammu and Kashmir with the centre. As a result, Yuvraj Karan Singh, the then Regent of the State of Jammu and Kashmir, issued a proclamation for the convening of the Consembly on 30th April, 1951.

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The Consembly of Kashmir, thus, proceeded with the framing of the Jammu and Kashmir's Constitution by first appointing several committees. One of the special committees set up on 7th Nov. 1951 was the Advisory Committee on Fundamental Rights and citizenship and its one of the main tasks was to make recommendations regarding the qualifications required for the citizenship.

In 1952 when Delhi Agreement was reached between the government of Jammu and Kashmir State and the Indian Union, it was agreed that though the rights of the permanent residents of Kashmir had to be protected, there was no reason why the people of the state should be denied Indian citizenship. The Government of India agreed that special provision should be made in the law governing citizenship to provide for the return of those permanent residents of the state who went to Pakistan in anticipation or in consequence of the disturbance of 1947 and also for those who had left for Pakistan earlier but could not retum. The Indian government also accepted the view that the State Legislature could be given power to define and regulate the rights and privileges of the permanent residents of the state, more specially in regard to acquisition of immovable property, appointments to services in the state and like matters.[7] Hence no definite decision was taken in 1952 and pending the working out of details, the old citizenship law of the state was to continue.

The Delhi Agreement of 1952, accepted that "The State Legislature would be given power to define and regulate the rights and privileges of the permanent residents of the state, specially in regard to acquisition of immovable property, appointments to services in the state and like matters."[8]

The Advisory Committee on Fundamental rights and citizenship of consembly was, however reconstituted by its resolution dated 20th Oct., 1953.[9] The Committee had appointed a sub-committee which submitted its report on 25th January, 1954. The report, without any change of modification, was presented to the House on 23rd Feb., 1954[10] by Mr. Mir Qasim.

So far as the citizenship was concerned the committee proposed that as the State had acceded to the Union of India, every State-subject and every person domiciled in the State would be a citizen of India under the provision of India Constitution[11].

The Committee stressed that the definition of State-subject be liberalised in keeping with the changed times. It, thus, recommended that all the then existing three classes of the State-subjects be removed and a uniform class of 'permanent resident's be established[12]. It proposed :

"Every person residing in the State who was a State-subject of calss first or class second or who after having acquired immovable property in the State had been ordinarily residing there for a period of not less than 10 years prior to the date of enforcement of this provision, would be a permanent resident of the State; the State Legislature would make provision with respect to acquisition and termination of the status of 'permanent resident' and by a majority of two-thirds of the total membership would define 'permanent resident' as it deemed fit and regulate the special rights and privileges thereof; the State legilslature would also have the power to provide necessary modifications to enable the subjects of the State, who had migrated to Pakistan in 1947, to retum for permanent settlement under permit or under the authority of law."[13] The Committee expressed the view that Govemment of India had recognised that the fundamental rights, as contained in Part III of the Indian Constitution would not come in the way of land reforms already introduced in the State and those which might be undertaken in the future;[14] the special rights and privileges relating to acquisition and holding of the immovable property as well as employment under the State would be fully safeguarded".[15]

After the ratification of the State's accession with India in 1954,[16] negotiations were held between the representatives of the two governments and a compromise was reached.[17] The Govt. of India, therefore, agreed that the permanent residents of the State could have special rights but they were also to have the Common Indian citizenship and it was further agreed to substitute the term 'permanent residents' for the term 'state-subject' as defined in the notification No. 1-/84 of 1927.[18]

Thus, by section 2 (3) of the Constitution (Application to Jammu and Kashmir) Order 1954, part II of the Union Constitution was made applicable to the State from the 26th day of January,1954[19] Moreover the State Legislature would have the power to make special provisions, for the 'permanent residents'. So the Legislature in 1954, by inserting sections 5A to 5F[20] in the Constitution Act 1939 made provisions in this respect. These regulations remained in existence till the enforcement of the Kashmir Constitution of 1957.

Part III of the Constitution of Jammu and Kashmir deals with the 'permanent residents'.[21] The provisions by and large are the same as of section 5A to 5GF of the Constitution Act 1939 and it abolished the laws of separate citizenship.[22]

The Constitution left the door open for the subsequent return, and settlement in the state of those of its state-subjects who had migrated

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after the first day March, 1947, to the territory subsequently comprising Pakistan.This could be done under a permit for settlement or for permanent return, to be issued by the competent authority under the State legislation. The Constitution expressly leaves to the legislature the power to make any Law defining the classes of persons who are or shall be 'permanent residents' of the State."[23]

Accordingly, the President of India in consultation with the State Govemment issued the Constitution (Application to Jammu And Kashmir) Order, 1954 on May 14, 1954. Part-II of the constitution of India which deals with citizenship was also made applicable to the state. By section 2(3) (a) of the said order the people of Jammu and Kashmir were to be regarded citizens of India from the date of commencement of the Constitution.

However, Sec.6 clause (2) of the Constitution of Jammu and Kashmir of 1957 has provided "Any person", who, before the fourtheenth day of May, 1954 was a state subject, having migrated after the first day of May, 1947, to the territory now included in Pakistan, returns to the State under a permit for re-settlement in the State or for permanent return issued by or under the authority of any law made by the State legislature shall on such return be a permanent resident of the State."[24]

The Constitutional position on the subject has been again fortified in Art. 35 of the Constitution of India which inter-alia states that no law defining the classes of person as permanent resident of the state or settlement in the State shall be void on the ground that it is inconsistent with or takes away or abridges any of the fundamental rights conferred on other citizens of India by any provision of Part-III of the Constitution.[25]

The cumulative effect of the provisions of the Constitution of India and of the State Constitution is that the power regarding making a law regulating the return and resettlement in the State of the permanent residents of the State who migrated to Pakistan after the first day of March, 1947 but before 1954 has been given to the State Legislature.[26]

This power is restricted only in respect of permanent return or resettlement of such permanent residents of the State who have migrated to Pakistan and not in relation to permanent residents living in other foreign countries. The proposed piece of legislation only fulfills a constitutional requirement and provides for retum and settlement of State subjects already recognised as citizens of India.

Thus, Section 6 of the State Constitution read with proviso to Article 7 of the Constitution of India empowers the State Government to issue

permits, under the authority of law made by its legislature, in favour of those permanent residents of Jammu and Kashmir State now living in Pakistan who desire to return to their own native State for purpose of settling there permanently. The only condition to be fulfilled by such residents is that they should be State subjects as also specified in the Constitution itself. Moreover, there is no other condition laid down in the Constitution for conferring citizenship on such permanent residents living in Pakistan who desired to come back to live in their own State after they are permitted to return. The only condition is that once they are allowed to enter their own State for permanent resettlement after having fulfilled the residental qualifications they automatically become citizens of India. This concession is available only to the permanent residents of the State of Jammu and Kashmir. This special privilege was accorded to the State because of unusual circumstances created by war which had gripped the State under its clutches in those dark days when the Pakistani tribals had made an attack on the State. It was under such circumstances that the State had acceded to India. It had compelled migration of its people to Pakistan. The State Constitution has made a provision for such migrants for their resettlement in their parent State as "even their rights and future prospects have been safeguarded."

However at the time of the tribal invasion in 1947 many families from the State had disintegrated so much so that father got separated from son, mother from her daughter and brother from his brother.This sad episode in the life of the people of the State became all the more poignant in the subsequent years when these separated families could not reunite and continued to pine and long to meet their near and dear ones separated from each other by the crucial fate. This separation was neither by design nor by option.[27] Moreover some of such state subjects were not only harassed but also tortured at the hands of Pakistani police. Some of them even lost their lives in the jails of Pak occupied Kashmir.[28]

Many a time, therefore, the issue of return of these permanent residents of the State cropped up and the under the provision of the State Constitution the law made by the legislature for the return to and their resettlement in Kashmir was "implemented in 1955 when about 646 persons from Pakistan-occupied Kashmir were allowed to resettle in Kashmir."[29]

Some of these people again had contacted the state leadership and pleaded for permitting them to return and resettle on this side of the cease-fire line.[30]

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While these provisions existed in the Constitution of India and of the State for the last about three decades, no law was made on the subject with the result that the agony of the disintegrated families was further aggrevated. Both the State and the Central Governments were involved in an unending litigation in the courts of law by the affected families and enactment of a law to give effect to these constitutional provisions and to regulate the entry of such permanent residents by a proper legal procedure, became an inescapable necessity.

In these circumstances the Resettlement Bill was introduced in the Legislative Assembly as a private member's Bill by Abdul Rahim Rather of National Conference in March 1980.[31] The purpose of the Bill was to legalise the return to the State of all those persons who were class I and Class II state subjects before May 14, 1954, but had migrated to the territory now included in Pakistan after March 1, 1947 or for widows, wives or descendants of such state subjects[32] as desired to come back and resettle permanently in the State.[33] For this purpose applications for such permits (as the State Governments was authorised to issue under law) can come from the concerned persons directly or through their relations living on this side (Indian) of the border."[34] The Bill was also based on humanitarian considerations that it sought reunion of "hard-pressed blood relations who were separated by the crucial circumstances of 1947."[35] The Bill, after its introduction, was referred to a Select Committee in 1981. The Select Committee reported the bill back to the House. The Bill was passed by the State legislature and sent to the Governor for his assent.

The politics of Resettlement Bill was at its climax between May 1982 and July 1987. The tempers were high from all sides. The Central Government was of the opinion that the Bill would open flood gates to spies to settle in the State. Many times misunderstandings were resolved but again attacks continued. Sheikh Mohammad Abdullah met Indira Gandhi and tried to resolve the tensions. Though they tried to resolve the confrontation yet both followed their own course. The doubts on the Bill neither abated nor permitted the situation to go to the worst. The Central Government then referred it to Attorney General of India. The politics of the bill did remain dormant during the illness of Shiekh and particularly after June 1982.

The Bill was found suffering from certain deficiencies by the Governor who after having sought the legal opinion on the Bill from the Attorney General of India sent it back to the Legislature for reconsideration in the light of the following message.[36]

(a) The resettlement bill was constitutionally infructuous as it "suffered from many lacunas due to misunderstanding of the legal & constitutional efforts of section 6 of State Constitution and the second proviso to Article 7 of the Constitution of India on the basis of which the bill was sought to stand." The bill needed to be so amended as to make it consistent with the constitutional position.

(b) Those persons who did not constitute either hard cases or security risks, could be dealt with under section 5(1) (A) of the Indian Citizenship Act, 1955 and Citizenship could be granted to such persons only on the condition that the State Govt. makes an amendment, if necessary, to the existing laws on the subject & all such amendments, even if inconsistent, would be protected by Article 35 of the Indian Constitution.

The Bill, the message added, would have the following consequences:[37]

1. How all those persons who had deliberately and voluntarily migrated to Pakistan, settled there, taken Pak Citizenship, appropriated evacuee property, served in the civil & armed services of Pakistan, fought against India or commited other treasonable acts against the country, can return to India or Kashmir as a matter of legal right?
2. Even the wives, widows or descendants of the migrants born or to be born in Pakistan and having never been Indian Citizens or never been State Subjects, would not be entiltled to any legal right to come and settle in the State.
3. Since the returnee had only to satisfy the competent authority regarding his intention to live permanently in the State, there was no provision or method to keep him forcibly in the State so that he could not go back to Pakistan or migrate elsewhere after he had sold his original property (evacuee property) or recieved such compensation in lieu thereof as he might be entitled to from the State.
4. In the absence of any provision in the Bill for checking the antecedents of an applicant to satisfy the competent authority that he was not likely to be security risk, it opened the way for spies, saboteurs and foreign agents to settle in the state as a matter of legal right.
5. Any person who at any time chooses voluntarily to accept foreign nationality inculding Pakistani nationality loses under articles 5,6,7,8, & 9 of the Constitution of India the right to citizenship.

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6. Since it is the Central Govt. alone which controls the entry of foreigners into India, the State Legislature was not, therefore, competent to enact a Bill providing for the return from Pakistan of those persons who desired to come back & resettle in the state. Hence section 6 of the Kashmir's Constitution & proviso 2 to Article 7 as applicable to Jammu & Kashmir do not permit jurisdiction to the Bill under entries 17 & 19 of the Union list dealing with problems of admission into & expulsion from India, passports & visas & citizenship, naturalisation & aliens respectilvely.

The main criticisms levelled against the Resettlement Bill, introduced and passed by the state legislature have been summarised as under[38]:—

(i) "The competence of the Parliament to make laws relating to citizenship could not be overriden by the State Legislature "which was not competent to legislate on a measure which confers citizenship on foreign nationals, the State subjects settled in Pakistan, having accepted Pakistani citizenship there."

(ii) The Bill sought to compromise India's stand on Kashmir issue in the United Nations.[31]

(iii) The Bill being turned into an Act was tantarnount to accepting an independent status of Pakistan-held Kashmir which according to the Contitutions of India and Jammu and Kashmir constitutes a part of territory of the State of Jammu and Kashmir as an integral part of India.

(iv) If enacted, the Bill was bound to involve the " practical implications for the State's security, stability and solidarity." The transfer of population from Azad-Kashmir (Pak held territory of Kashmir) to Indian side of the State was tantamout to abandoning that part of Kashmir to Pakistan.

(v) The main issue was to secure the release of Azad-Kashmir from Pakistan so as to enable the people living in that territory to participate in the elections to the State Legislature for which 25 seats having alredy been kept reserved in the Constitution of Jammu and Kashmir and in the governance of the State.

(vi) The Bill was bound to communalise the politics in the State, resulting in weakening of its secular traditions, secular forces and secular basis.

(vii) The constitutional validity, objective and scope of the Bill in spite of the fact that the power of the State legislature to make law for the grant of citizenship to its permanent residents now living

in Pakistan, under Section 6 Article 7(2) of the State and Indian Constitutions respectively were not clearly defined. The ulitimate jurisdiction of the Union Parliament to confer the rights of citizenship, under entry 17 of the Seventh Schedule and Article 11 of the Indian Constitution,[31] could not be over-ridden by a state legislature."

The supporters of the Bill were of the view that it had been opposed and criticised on the grounds which appeared to be simply psychological and based more on emotions rather than on reality. The circumstances, therefore, said to be unfounded and undersireable. Most of the Kashmiri's were of the view that the Resettlement Bill was competent to be taken up for purposes of legilations. They agreed that it has been made clear by both the Constituent Assembly Debates as well as the Constitution of 1957. They further stressed that even the Delhi Agreement of 1952 had stipulated that State Legislature's power of making law for this purpose and this stipulation was subsequently incorporated in the provisions of the State Constitution also.

In short, the provisions of the state constitution, the highest law of the state, stand for constitutional recognition to the retum of permanent residents from so called Azad Kashmir (*i.e.,* Pakistan held Kashmir) to their own native state *i.e.,* Jammu & Kashmir state. This recognition has, however, not been accepted by the Govemment of India.

This Bill was taken up for re-consideration by the Legislative Assembly on Sept. 25, 1982. Fierce criticism of the Bill by some of the members of opposition led to the deferring of its discussion till Oct., 4, 1982. The House then met on the fixed date and repassed the Bill after heated discussion in its original form. Thus it became virtually an act duly passed by the State Legislature.[39]

It is, however, said that some quarters have begun expressing apprehensions about this Bill. They fear that the persons covered under the Bill would retum in great numbers and this may result in their eviction from the evacuee property lands in their possessiion. Such doubts are unfounded and miscoived. Under Section 3-A of the Agrarian Reforms Act displaced persons cultivating evacuees lands personally shall in respect thereof be deemed to be occupancy tenants and recorded as such. Likewise Section 14-A of the Evacuees (Administration of Property) Act, 2006 provides that if it is not expedient or practicable to restore the whole or any part of the property to any evacuee by reason of such property being in the occupation of a displaced person or otherwise, then it shall be lawful for the Government to acquire such property

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or any part thereof and the displaced person to whom such property stands allotted shall continue be in possession of such property on the same conditions on which he held it before.

The present Bill, therefore, does not in any way temper with the rights enjoyed by the displaced persons. The State Government is committed to protect and safeguard the rights of such displaced persons.

All the Rightest political parties in Jammu region criticised the introduction and passage of Resettlement Bill. Thakur Baldev Singh then, the President of the State Unit of BJP said that the Bill had several deficiencies, it was beyond the jurisdiction of the State Legislature and would open flood gates to spies to settle in the State.[40] Soon after the State of Jammu & Kashmir had acceded to India and the first popular government was established under the leadership of Sheikh Mohammad Abdullah, the Praja Parishad— a rightist party in Jammu— started agitation against the autonomous status of the state. It demanded the complete integration of the State with the rest of the counrty. Commenting on the attitude adopted by Hindus rightist groups towards the Bill, Shiekh Abdullah said that they had revealed the worst type of Hindu-communalism of North India, who are "out to convert the Muslim majority state of Jammu & Kashmir into a Hindu majority State."[41] Other rightist groups alleged that anti-national elements were rallying behind the National Conference in its attempt to facilitate the home coming of an estimated 100900 sons of the soil who had already acquired full fledged citizenship of Pakistan[42] They further reiterated that the Bill would give blanket citizenship to everyone from occupied Kashmir who wanted to return even if he was a spy or a convict.[43]

All the rightist parties in the Valley not only supported the Bill but also put pressure on the State Govt. and the National Conference leadership to get the Bill passed from the Legislature at the earliest. Later on they accused Dr. Farooq Abdullah for sidelining the issue in spite of the fact that the Bill had been passed by the State Legislature. They further alleged that in order to appease the Central Govt. he entered into negotiation with Delhi for finding the ways to torpedo the Bill. They were also of the view that the Bill was passed by the legislature in due recognition of human values involved in it.[44]

Reaction of both the Communist Parties in India— the CPI(M) and the CPI, on the Bill was very surprising. Indeed, their surprise was more on the attitudes of the Sheikh than on the Bill itself.[45] B.T. Randive said in Pune on June 16, 1982 that the Bill which could enable hundreds of

Pakistanis to operate as spies in India was dangerous from security point of view. He added that Sheikh was doing such activities only to safeguard his position with the help of communal and fundamentalist forces like Jamat-i-Islami in Jammu and Kashmir. "As an anti-national activist" said, the CPI leader, Inderjeet Gupta in Banglore on June 16, 1982, "Shiekh owes an explanation to the country on the Bill."[46]

The Chief Minister has time and again publicly made the position clear in this regard. Needless to stress, the proposed law will sufficiently safeguard the security of the State as the entry will be regulated by a prescribed procedure and only genuine State Subjects will be allowed to settle after due verification and screening leaving no scope for entry of undesirable persons.

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24

CONGRESS PARTY IN OPPOSITION : A CASE STUDY OF JAMMU AND KASHMIR

"If Parliament's main function is to criticise, the opposition is the most important part. Its members are, so to speak, critics by profession." **— Sir Ivor Jennings**[1]

As it is difficult to imagine a democratic society to exist without conflict and dissent expressed through differences of opinion, the political parties and groups representing different shades of opinion are, therefore, vital for the survival of a democratic political culture. The political opposition in the states has, thus, become the crowning institutions of fully institutionalized political socieities such as democratic liberalism, parliamentary, pluralistic, constitutional or even open or free system. The opposition, which rightly and legitimately, has become a part and parcel of political process as a whole, constitutes the demarcation line between democracy and dictatorship. It functions as watch dog of liberties of the people, through its constant scruting and legitimate criticism of governmental policies, and makes the government a more useful instrument of democracy.

Indian National Congress-a group of intellectual, which was founded by a radical liberal British civil servant in 1885 to serve as a safety valve for certain grouse of ambitious high class natives swelled into a massive people's movement under the tutelage of great men like W.C. Bannerji, Lokmanaya Bal Gangadhar Tilak, Gokhale, Mahatma Gandhi, R.C. Dass, Subash Chander Bose, Pt. Moti Lal Nehru, Pt. Jawaharlal etc. Congress through her mass movements, social programmes, Harijans uplift, Swadeshi movement, prohibition, education drive, women's involvement helped in infusing the spirit of intense nationalism among the Indian masses and gave them universal outlook, secularism, socialism, non-alignment, freedom, democracy, stability and a perpetual struggle for identifying and solving people's problems.[2]

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The Jammu & Kashmir Pradesh Congress, however, being a unit of Indian National Congress is the youngest unit. Formed in 1965 at a crucial phase in the history of the state, it has made a deep impact on its politial life during the brief period of its existence. Despite several odds and difficulties created in its ways in the early days of its birth, it has established itself firmly in the minds and hearts of the people of the state particularly in Jammu and Ladakh regions. A sizable section of the state population consisting of women, students, peasants, factory workers and artisans has especially felt attracted to the Congress party. Several organisations belonging to the youth and labour have affiliated themselves with the Pradesh Unit of Congress party. The party made significant achievements in the field of development as well as in uniting democratic forces by advocating a policy of non-confrontation between them for a broad unity of all those wedded to secularism, democracy and national unity.

As already pointed out that impressed by the adoption of the socialistic pattern of society as the Congress goal and inspired by its progressive policies, G.M. Sadiq stressed the need for the Congress to extend its activities to Kashmir.[3] The Working committee of the National conference of J&K then sent its delegation to the Congress session held in January, 1965 for the establishment of a Congress unit in the State. The National Conference was ultimately merged with Congress party on 26th January, 1965.[4] Like Sadiq, Syed Mir Qasim also followed a policy of political liberalism in the hope that leaders of all shades of political opinion of the state would cooperate in the economic development.[5] Qasim in a press interview welcomed Sheikh Abdullah and other opposition leader to join the mainstream of the state's political life provided they did not transgress constitutional limits.[6] Moreover, Congress leadership at centre was also keen to arrive at a solution of Kashmir problem which was still being treated as an international issue as was indicated by Tashkant talks and Simla agreement. Sayed Mir Qasim, thus, played a conderable cooperative role in contributing to the conclusion of the Kashmir Accord, 1975, between Mrs. Gandhi and Sheikh Abdullah. As a result of the accord Congress government with 61 seats in the house, stepped down and full support of the legislative party provided to Sheikh Mohd. Abdullah, who returned to constitutional position after 22 years.[7] In the euphoria of becoming Chief Minister, Sheikh Mohd. Abdullah had loudly proclaimed that he would give priority to eradication of corruption in pubic life; and that in oder to strengthen moral and ethical vlaues a system of accountability for all public men in the state would be adopted.[8] It was only in 1977 the Congress party which was completely routed in the Lok Sabha elections at the centre, decided to withdraw their unconditional support to Sheikh Abdullah and to form the government of its own. Meanwhile Sheikh Mohd. Abdullah recommend the dissolution of State Assembly and holding fresh elections.[9] The 1977 elections in the state which were conducted under the supervision of the governor and were said to be the only free and fair elections since 1951 as no party had the advantage of official patronage.[10] National Conference caused on the charismatic personality of Sheikh and his sudden illness got a landslide victory with 47 seats in 76 member house. Congress with 20 members in the house and along with other parties formed an opposition in the Legislature. Sheikh Abdullah had, therefore, demonstrated the solid support of the people of J&K for the ideals he stood for, his unflinching faith in the principles of secularism and democracy and for his decision to ensure a place of honour to its people in the greater democracy of India.[11] The Congress Party was then turned to be an opposition in the house with 10 members.

Soon after the election the ruling National Conference encouraged political defection in the State. As a result Mr. Sonam Narboo was included in Sheikh's Ministry after his defection from Congress–I. The Congress leadership, in a statement, deplored such tactics of ruling National Conference. They also criticised Sheikh Abdullah to have a huge size of ministry consisting of about half of the members of the ruling party and nearly one-third of the whole legislature in violation of the democratic norms and traditions. The Congress leadership directed their party men to raise their voice against these undemocratic symptoms and tendencies which had appeared with the formation of National Conference ministry.[12]

The Janata Party, on the other hand, pleaded that National Conference had won a fake victory by unleashing a reign of terror in the valley. Sheikh was widely blamed for nepotism, corruption and misuse of power and reviving the almost forgotten slogan of plebiscite when Congress withdrew its support from his ministry in March, 1977.[13] Even Sheikh's once most trusted lieutenant Mr. M.A. Beg alleged that he inflamed Shia-Suni, Hindu-Muslim and Sher-Bakra amimosities during elections.[14] However, Congress leadership at the centre wanted to have cordial relationship with National Conference.[15] The Congress President visited the summer capital of the State, on the invitation of Sheikh Abdullah for this purpose. Thus, a period of honey-moon between the Congress and National Conference started in the state much against the liking of the rank and file of both the parties. While Congress workers were unhappy over virtual surrender of the leadership, on the other hand, there was growing uneasiness among the National Conference workers over the

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reports of some Congressmen joining the Government.[16] There were differences of opinion between two Congress factions, (i.e. one faction comprised Mir. Qasim PCC Chief and Mufti Sayeed and the other led by Legislative party leader Mr G L Dogra) about the Congress— N.C. honeymon. Even Mrs. Gandhi paid a dramatic visit to Jammu and had two hours long parley with Sheikh Abdullah[17] on the question of alliance between Congress and National Conference. Mrs. Gandhi had reiterated her party's continued support to Sheikh Abdullah.[18] Sheikh also promised the majority support of his party for India from J&K.[19] There were apprehension that Congress (I) in J&K might merger with National Conference.[20] When Mufti Mohd. Sayeed became the President of 42 members executive of Congress (I) in the state, a division took place among the Congress men over the support to Sheikh Govt. Majority of party legislature and others wanted party to function as an healthy opposition.[21] They even criticised party leadership's complete surrender before Sheikh Abdullah and his government and its failure to play the role of an effective opposition. They regarded that their offer of cooperation to Sheikh was one way traffic and the performance of Sheikh government did not deserve any support.[22] Congress leadership in the state urged to end honey-moon with National Conference.[23] SheikhAbdullah then entered into negotiation with Indira Gandhi for the reviving of National Conference–Congress alliance.[24] Mrs. Gandhi's idea was to woo Sheikh Abdullah to use him in her fight against Janata at Centre. Hence Congress-National Conference alliance was a part of her strategy to make up with regional parties. But in early 1979 Mrs Gandhi, who so far was advising the local Congress (I) leader against an open confrontation with Sheikh and National Conference on the hope that State Chief Minister might join hands with her to embarrass the Central Janata leadership, had written off Sheikh Abdullah. She gave a green signal to her party men to go ahead with their plan to fight out the policies of the state government with or without cooperation of their opposition groups. Congress, therefore, started a fresh move to set up a united front of opposition in Kashmir. Mufti was of the view that such a united front of opposition groups was necessary to face the anti democratic policies of Sheikh Government.[25] Sheikh Abdullah was also accused to impose family rule on the State.[26] Moreover, the Inqulabi National Conference leader, Mirza Afzal Beg and his colleagues in the party, had expressed a desire to join the Congress (I) and Congress leadership in the state welcomed the idea.[27] Mrs. Gandhi advised the state leadership that Congress organisation should be further strengthened and all secular, democratic and patriotic forces should be induced to make Congress an effective instrument for socio-economic development of the state.[28] Congress (I) men started to

levy serious charges of corruption and misappropriation of government funds and property of various departments,[29] as well as assailed the anti-people and anti-working class policies of the government. They pointed out that Sheikh govt. had embarked on the path of confrontation with working classes, unemployed youth and had failed to respond to the urges and aspirations of the people. The Comptroller and Auditor General of India in a report for the year 1977–78 also brought about many cases of mis-appropriation of public funds.[30] There were also serious charges of bungling in forest department.[31] Sheikh Abdullah was also accused of amassing wealth, favouritism, misuse of official powers, corruption, undue favour shown to even minor members of his family,[32] of entering into alliance with the communal forces, equated India with Pakistan and other foreign countries, which dismayed political circles in the state.[33] The Congress–I leaders in the state, therefore, pledged to put up a democratic fight against Sheikh and his National Conference by organising picketings and peaceful demonstrations. They reiterated that Congress, being the only democratic alternative to the ruling party in the state and having the political capacity and vision to unite all secular and patriotic forces for the unity of the three regions of the state, would continue to play its role as a healthy opposition party. They also ruled out the possibility of merger or winding up of Congress in the state and pleaded that the party had come to stay in the political life of the state, to play a meaningful role in ushering in socio-economic development of the state as an integral part of India.[34]

Sheikh Abdullah, on the other hand, accused Congress of conspiracy by disturbing law and order and creating chaos. He declared that Congress-I leaders were power hungry and were creating conditions so that to justify his dismissal on the plea of law and order in the State had broken down.[35] Sheikh accused Congress of trying to repeat 1953. He stressed that he had never betrayed India and remained stead fast on his commitment and pledges.[36] He pointed out that Congress leaders were trying to wrest power from his party and after regaining their power at the centre, the attitude of Congress leaders had become as if they were the rulers. He said he could not trust them as they had stabbed him twice, one in 1953 and then in 1977 when he became Chief Minister with their support which they withdrew after they lost power at the centre.[37] Sheikh Abdullah warned the centre that any attempt to dissolve the state Legislature would prove disastrous for the whole of the country. He pleaded that because of state's special position in the Indian Union, its legislature could not be dissolved on the advice of Prime Minister.[38] He once again declared that the people of Kashmir had earned their freedom

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and honourable place after a prolonged struggle and they were determined to protect it.

Sheikh Abdullah met Mrs. Gandhi as he was fed up with the love-hate relationship between National Conference and Congress-I. While addressing press Conference on September 5, 1980 he declared that he had no dispute with the central leadership of Congress-I. Some of local Congressmen had created an atmosphere of confrontation. He asserted that there were bound to be differences between various elements of the parties in a democracy. But as long as they had the interest of the country at heart, such differences could easily be resolved by dialogue.[39]

In short love and hate policy between Sheikh Abdullah and his National Conference and Congress party and its leadership continued till Sheikh's death. Congress leadership in the State tried to expose the misdeeds of Sheikh Abdullah and his government from time to time in the state Legislature and outside. But Congress leadership at the centre always kept the national interest as paramount in dealing with Sheikh and his party-National Conference.

Sheikh Abdullah died as an unhappy person. At the age of 77 years he was an exhausted man, more because of unhappy succession battle that had gripped not only the ruling National Conference but also Sheikh's family. However, Dr. Farooq Abdullah had swept himself into the throne vacated by his father on the fateful night of Sept., 8, 1982. The hectic activity that preceded the trasfer of power into younger hands remained shrouded into mystery.[40] Dr. Farooq Abdullah, thus, took over powers where his father left.

In June 1983, like 1977, the electorate reaffirmed again their faith in National Conference under the leadership of Dr . Farooq Abdullah by returning it to power with thumping majority i.e., with 47 seats in the 76 members house with 46.13% of the total vote cast.[41] Congress-I with 26 seats and securing 29.62% votes emerged as a main opposition.[42] In the euphoria of becoming Chief Minister, Farooq Abdullah made clear that he did not want any confrontation with the centre[43] and offered cooperation to the state opposition party.[44] He appealed to Congress-I to bury hatchet and to extend its hands of friendship to him in the larger interest of the state.[45]

Dr. Farooq Abdullah and other National Conference leaders, however, charged Congress-I with responding negativley to their offer of cooperation and adopting the policy of absolute confrontation with the state government.[46] They accused Congress-I refusing to accept its defeat in

the Assembly Election of 1983[47], calling election as fraud with the voters;[48] launching slanderous propaganda campaign backed by central media agencies of "rigging in Elections,"[49] destabilizing the popular government in the state;[50] jeopardising state's Islamic character;[51] disrupting unity of Kashmiri Muslims, whiich was an eye sore for them,[52] and weakening the National Conference[53] Dr. Farooq Abdullah alleged that the centre was hatching conspiracies against him and using the National Conference dissidents for that purpose as he was not prepared to dance to New Delhi tune.[54] He charged that a false vilification campaign was being spread to brand the people of his state as anti-national. But they are and were every inch Indian and had firmly shown their loyality to the nation time and again," he added.[55] He charged Congress (I) of having evolved an action plan to indulge in large scale violence in order to pave the way for central intervention. He cited the statement made by Mr. Kamlapati Tripathi— the then president of Congress-I declaring "our party cannot remain silent about the ways National Conference got succeeded its candidates and the struggle against its activities will continue without any break."[56] National Conference leadership charged that even Congress (I) members of Parliament accused Dr. Abdullah creating ideal conditions for the growth of extremist and pro-Pak elements.[57] Mrs. Gandhi also charged him of encouraging the anti-India microscopic group in Kashmir.[58] They said, they were convinced that Congress (I) wild accusation and provocative statements were apparently meant to instigate violence and to encourage lawlessness in the state in order to press central intervention because of the break-down of law and order machinery in the state.[59] Dr. Farooq proposed to invite an All Party Parliament Fact Finding Mission to the state so that they could see themselves the actual situation prevailling in the state.[60] The National Conference leadership, while exposing the undemocratic and authoritarian policies of Congress (I) declared that the vicious game of the Congress (I) against duly elected government posed a grave threat to the cherished ideals of democracy functioning in the country. They, therefore, appealed to all freedom-loving and democratic minded forces to take note of it and to rise to the occasion to defend these ideas.[61]

Soon after the Assembly Elections of 1983, the Congress-I, on the other hand, started questioning the legality of the elections. It challenged the results of all seats it lost, before the Election Tribunal. The Congress(I) leadership also charged Dr. Abdullah and National Conference of joining hands with secessionist elements and acting as a tool in the hands of forces to destabilize the country as well as the state of Jammu and Kashmir. He was accused of joining hands with Maulvi Farooq, who

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alleged to be the most striking symbol of communal, reactionary and feudalistic thinking;[62] of neglecting the problems of the people and creating barrier between the people of the state and rest of the country;[63] exploiting the people in the name of Islam for their petty political ends;[64] raising slogan that Islam was in danger and their future was insecure with Northern India Hindu Communalists dominating the policies of the country;[65] hatching a conspiracy to kill Cogress-I leaders by attacking PCC-I headquarters at Srinagar;[66] encouraging hooliganism; launching a systematic campaign of harassment and violence; whipping up narrow sectarian, parochical, regional and communical feelings,[67] deteriorating of law and order situation by creating employment, administrative chaos and corruption galore.[68]

Tariq Abdullah., the younger brother of Dr. Abdullah, also asked the centre to act swiftly and boldly in regard to J&K, lest the situation there became irretreatable like Punjab.[69] Even slogans like "Kashmir Hamara Chhod do" "(end of the temperory accession and leave Kashmir) and "Kashmir which we nurtured with blood, belongs to us" were repeatedly shouted during a big procession led by Mirwaz on Mastyr's Day in Srinagar.[70] The state government was accused of shielding Pak infiltrators, secessionists and Sikh extremists.[71] A five-member Congress-I Committee, including some Central Ministers submitted a memorandum to the President urging him to intervene in the affairs of Jammu and Kashmir.[72] Mrs. Indira Gandhi also blamed Farooq government for economic crisis and failure of law and order in the state.[73]

Dr. Farooq Abdullah, on one hand, accusing Congres-I and Central leaderhip of playing toppling game in Jammu & Kashmir, on the other hand, he made efforts for reconciliation with Prime Ministers Mrs. Gandhi. He even asked certain persons to act as mediators.[74] The National Conference leadership had been speaking with two voices on the question of centre and state relations and their relationship with Congress-I and Mrs. Indira Gandhi. Dr. Farooq Abdullah had been adopting an anti-centre posture and his cousin as General Secretary, Sheikh Nazir Ahmed had been entrusted with the task of adopting pro-centre and pro-Congress-I posture.[75] Dr. Abdullah reiterated in Calcutta that Kashmir was an integral part of India.[76] While ruling out any plebiscite to decide the future of Kashmir, he pointed out that no power could separate Kashmir from India.[77]

In short, Dr. Farooq Abdullah, like his father, Sheikh Mohammad Abdullah, wanted to follow the love and hate policy towards Congress-I and Central leadership but failed miserably. Whereas Jammu and Kashmir Pradesh Congress-I leadership from time to time tried to expose the

misdeeds of Dr. Abdullah, his party and his government inside as well as outside the State Assembly. But Congress-I leadership at the centre always kept the national interests as paramount in dealing with Dr. Abdullah and his party National Conference.

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THE POLITICAL OF POONCH AGITATION : 1977-79

In November 1977 the District Recruitment Board, Poonch had invited applications for the 200 vacancies of teachers from the local candidates with M.Sc. or M.A. or B.A. in Geography and Commerce, B.A. Degree in Mathematics and B.E.C. Diploma. The interviews of the candidates were held in June, 1978 and the list of the selected candidates was released in September, 1978. It was then found that a large number of recruited teachers did not fulfil the requisite qualifications and most of the meritorious and deserving candidates were ignored. The unfair selections and backdoor entry of certain candidates, therefore, generated a wave of resentment among the masses of Poonch District in general and among the deserving but rejected candidates in particular. They levelled the following charges against the selections made by the Recruitment Board :–

(i) That the Board under the political pressure had appointed some of such candidates who had neither applied for the posts nor were even called for interviews;

(ii) four to five members of the same family as well as some of the candidates, not even the residents of the Poonch District, were appointed;

(iii) the dependants of war heroes and the most deserving candidates though possessing requisite qualifications were also ignored; and

(iv) that some of the unqualified, underaged and even overaged candidates had also been appointed at the instance of Ghulam Mohammad Ganai, the then Deputy Minister, and Ghulam Mohd. Jahn–the then National Conference leader and sitting MLA, both representing Poonch District.

An Action Committee of prominent citizens as well as students was then constituted to negotiate with the authorities to mitigate their grievances. The Committee comprised :

1. Mr. Ghulam Qadar Bandy – Chairman.
2. Mr. Yash Pal Sharma
3. Mr. Rajinder Singh Charkha
4. Mr. Mohammed Zaman – Advocate
5. Mr. Rajinder Singh Kaka – Advocate

When approached, Mr. S.D. Singh, the then Deputy Commissioner and the Chairman of the District Recruitment Board, Poonch, apprised that the selection list submitted by the Board was prepared strictly on merit basis. It had, however, been changed subsequently on the behest of higher, ups. The aggrieved candidates started a daily peaceful 'Dharna' against unfair and unjust selections in front of the office of the Chairman of District Recruitment Board. The 'Dharna' continued for one week but without any tangible results.

The first manifestation in the form of a public demonstration appeared on October 14, 1978. A big peaceful procession had taken out by the students – both male and female. They demanded the creation of at least fourteen new posts to get adjusted the most deserving candidates and those who were going to be overaged.

Sheikh Mohammad Abdullah, the then Chief Minister, had however, rejected the demand of the aggrieved jobless youth of the Poonch that the teachers should had been appointed purely and solely on merit basis. While justifying the appointments made, he said "there are many villages in far-flung areas where people cannot go beyond matric and they have no amenities to get higher education. The government is employing these local candidates in their own villages as teachers." As a reaction to such a statement of the Chief Minister, another protest procession was taken out on Oct. 15, 1978. All the educational institutions of the district were closed in-definitely. Even the business establishments in almost entire district went on strike in support of the students' cause. On 20th October, 1978 once again a procession led by Mr. G.Q. Bandey, the Chairman of the Committee, was taken out which brought the protesters in confrontation with the Police. The Police resorted to lathi charge. As a result Mr. G.Q. Bandey along with a few others was injured. This incident added fuel to fire and the aggrieved candidates then went on hunger strike. The law and order situation of the entire district was

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deteriorating day by day. The demonstrations as well as protest processions were taken out almost everyday. But nothing substantial had been done in the matter. On November 16, 1978 the aggrieved candidates gheraoed government officers, paraded in the streets, shouted provocative slogans, presented a charter of demands to the District authorities, and paralysed the entire governmental machinery. On Nov. 19, 1978 the entire population of Poonch town observed a general hartal in support of the aggrieved candidates. The situation took a serious turn when Police tear gased the women protesters and arrested some of them. They were demanding for the appointment of at least 54 unemployed youth, whose merits had been ignored. The state authorities on the other hand deployed huge police force to suppress the student agitation.

The Govt. then announced that the then Education Commissioner would go into the complaints against selection of the teachers and would submit report by 31st of Dec., 1978. But nothing had been said whether the inquiry was conducted at all or what was its outcome. The situation in Poonch, thus, continued to be murky though peaceful.

The Poonch agitation, however, took a dangerous tum on December 2, 1978 when about two to three hundred students took out a procession and started marching towards Deputy Commissioner's office. They were stopped by a Police Party led by the S.P. Police, Poonch, near the Govt. Degree College, Poonch. The Police resorted to lathicharge on the students without provocation. When this news reached the Bazar of the town, all the shops were closed and people then rushed towards the sight of the demonstration.

Mr. Rajinder Singh Charkha while leading the procession, grappled with the policemen. The S.P. Police said to have identified him and ordered one of policemen to fire at him. Mr. Waryam Singh, a 20 year old student who was taller than Mr. Rajinder Singh Charkha per chance came in front of Mr. Charkha and was hit by the Police bullet and died on the spot. His deabody was then immediately dragged by the policemen into the Gujjar Hostel where the police force was camping. The demonstrators chased the policemen and set the hostel on fire. The curfew was then imposed on the town and one man Commission of Inquiry was appointed to inquire into the reasons for firing. The Poonch Action Committee while objecting to the terms of reference of the inquiry Commission, boycotted it. The Committee wanted that the Commission should inquire into all aspects of the situation that led to the firing and not confine itself to determine the justification or otherwise of police action. The situation in town, however, remained explosive. In a resolution

dated Dec. 11, 1978, the members of Action Committee demanded the holding of inquiry into police firing by a Judge of High Court, dismissal of police officials responsible for firing as well as Mr. Ghulam Mohammad Gani — the then Deputy Minister from Poonch and cancellation of appointments of teachers made under political pressure.

The deep resentment against the govt. manifested once again on the Republic Day (26th January 1979) when local people did not allow a visiting Minister to hoist the national flag in the town.

The large scale violence, arson and riots broke out on Feb. 3, 1979 morning when the police arrested four leaders of the Poonch Action Committee for allegedly disturbing a Republic Day function at which Mr. Bashir Ahmad, the then Minister of State for Animal Husbandry, had presided, He was not allowed to hoisting the flag and was manhandled. The protestents set fire a few government buildings. The police burst 100 tear gas shells and fired several shots in the air to disperse the crowd. About 70 persons, including several policemen were injured in stone throwing and lathi-charge. Ten country made bombs reportedly exploded in the heart of the town causing panic.

There also occurred scuffle between CRP Jawans and students. As a result firing was ordered in which about 9 people – five civilians and four CRP Jawans lost their lives and about 100 injured. The curfew was imposed. The demonstrators, however, while defying curfew, engaged in pitched street battles with the police, throwing country made bombs and grenades. The army was called out in the town to guard vital installations in the wake of large-scale violence and arson.

Complete bandh at Jammu, Udhampur, Kathua, R.S. Pura, Samba, Rajouri was observed and protest meetings were held to condemn the police firing. Even all the educational institutions were closed indefinitely. Lawyers also boycotted the Courts. The High Court and the Subordinate Courts did not function. A procession led by all opposition leaders went through the Jammu city mourning those killed in Poonch firing.

As a result of negotiations between a three-member representatives of the students headed by Mr. G.M. Mir Poonchi, Congress Vice-President and Sheikh Abdullah, the then Chief Minister of the State– an agreement was arrived by which almost all demands of the students were accepted by the Government. The Poonch agitation was thus ultimately called off on January 20, 1979 i.e. after about 97 days when sixty five appointment letters of the educated unemployed candidates were issued against the then newly created 90 vacancies of the teachers in Poonch district. While summing up I may point out that the problem

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of unemployed youths of Poonch was, thus, solved, the Poonch agitation which had by then assumed an avowed political character continued as a response to the call given by the All Parties Forum, formed by almost all opposition parties of Jammu and which launched Jammu Agitation of 1978–79 firstly in support of Poonch agitation.

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26

POLITICS OF JAMMU AGITATION 1978-79

As the Praja Parishad movement of 1952–53, the dismissal of the first popularly elected ministry of Sheikh Abdullah in August 1953, his arrest and the subsequent regimes could not redress any substantial grievances of the people of Jammu region, the masses there continued to be discontented, tense and frustrated. Their frustrations had been manifest in various movements launched in the region in the post-August 1953 period. The major charges levelled by various political parties and groups of Jammu was that the region was discriminated against not only in the matter of appointments, promotions, admission to professional institutions by disregarding consideration of merit, allotment of developmental funds but also in regard to sharing of plitical powers.[1] Even all the recommendations of B.P. Gajendargadkar Commission of 1967 to inquire into the regional imbalances were not fully implemented by the then state government.[2] The Jammu Autonomy Forum and the local unit of the Socialist Party of India, thus, raised the slogans for the grant of Regional Autonomy for Jammu Region[3] as well as adoption of a just policy for recruitment to government jobs.[4] The Secretary Sikh Brotherhood Jammu, and the state unit of Congress(I) also condemned the policy of discrimination adopted by the State government and demanded to remove regional disparities.[5] In short by 1977 Jammu region seemed to be full of tensions and irritations and bubbling with feelings of deprivation.[6]

However, 97 days' movement (called Poonch Agitation) launched by the rejected qualified candidates against the backdoor appointment of teachers by the District Recruitment Board Poonch in october 1978[7] had added fuel to fire. It provided the flash point of regional upsurge throughout Jammu. Over two thousand students of various Colleges as well as the University of Jammu took out a protest procession and marched to the state Secretariat on 29th November, 1978 in sympathy

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of agitating Poonch students.[8] Even the opposition parties of Jammu called an emergency meeting to take stock of Poonch Agitation.[9] Some of opposition leaders gave a call for Jammu Bandh on December 4, 1978 as a mark of protest against the police firing at the peaceful students in Poonch on Dec. 2, 1978.[10] As the discontent of the people had been accumulated over years the bandh provided them an opportunity for a powerful outlet. The bandh, therefore, assumed not only violent but dangerous dimensions and resulted into attack on Police Stations, burning of government vehicles and destroying public property.[11] Some violent incidents also occurred in bandhs observed at Rajouri, Udhampur, Mendhar, Akhnoor and some other cities of Jammu region.[12] Such incidents further worsened the law and order situation in the region. In short the violence that ensued left behind a trail of bitterness in the shape of some loss of public property, huge loss to the State economy and the loss of a few precious human lives. The agitators, initially voicing their feelings against the alleged discrimination in the selections, soon broadened the canvas of their campaign to ventilate their pent-up chauvinism about the remaining two regions on the score of imbalances alleging that the Jammu region had been discriminated against.[13]

Howevever, an All Parties Jammu Committee comprising 21 members from various oppositions parties and groups under the Presidentship of L. Suraj Parkash Gupta – a leading Advocate from Jammu was constituted to express its solidarity with the demands of the Poonch agitation, including inquiry into irregularities in recruitment and police excesses.[14] Mr. Dhanraj Bargotra – the then sitting MLA, was its Secretary. Later on it decided to enlarge its scope to struggle for permanent solution of the Jammu problems.[15] Its aim was also to expose chauvinistic approach of the ruling party towards the problems of Jammu and to support the peaceful struggle of the people of Poonch against worst kind of nepotism, corruption and injustice."

With this end in view, the All Parties Jammu Committee unanimously adopted the following proposal on 6th December, 1978 drafted by the Sub-Committee headed by Mohammad Ayub Khan:[16]

"There should be statutory, political and democratic set-up at regional, district, block and Panchayat levels with a view to giving a sense of participation to all sections of people and areas within each region and furthering the following objectives.[17]:

1. Strengthening the national integration and integrity of the State;
2. Promoting communal harmony;

3. Maintaining identity of the three regions of the State;
4. Ensuring a sense of equality among the people of the three regions;
5. Safeguarding the interests of minorities, scheduled castes, socially and educationaly backward classes, economically backward sections and backward areas, displaced persons and ex-servicemen."

The proposal further stressed that "to recommend details of the above set-up a Commission headed by a retired Judge of the Supreme Court should be appointed immediately which should submit its report within six months."

While commenting on the movement Dr. Karan Singh pointed out that the agitation in Jammu region be not treated just as a matter of law and order problem. He said, "the trouble in Jammu was in fact a part of the broader question of regional imbalances and Poonch was only a symbol of the pent anger in Jammu caused by discrimination in various field." He was of the opinion that the government should understand the problem and accordingly take steps to avoid tension in the region.[18] He expressed the need for ensuring the maintenance of the state's integrity which could ony the possible by means of treating all the three regions – Jammu, Kashmir and Ladakh – on the basis of justice and equality. He also justified the demand for setting up a judicial Commission of inquiry under a retired Chief Justice of the Supreme Court of India.[19] Reacting on the comments of Dr. Karan Singh, Sheikh Mohammad Abdullah accused him of having created the trouble in Jammu.[20] On the other hand the opposition parties had taken a joint decision to continue the struggle till some solution was struck out.

The State government then announced a proposal for the constituting of a Committee of fifteen legislators belonging to ruling party as well as opposition parties to look into allegations of regional imbalances.[21] While rejecting this proposal the opposition leaders of Jammu accused Sheikh Abdullah, the then Chief Minister of the State, for side tracking the real issue and seeking perpetuation of his undemocratic authoritarian rule.[22] They also criticised him for his erstwhile statements in which he had said that Jammu region lacked in popular leadership and that the region itself was heterogeneous in its composition.[23]

By January 1979 serious differences emerged among the State unit of Janata Party legislators on the issue of regional imbalances in the State. Mr. Rishi Kumar Kaushal– one of the Janata Party leaders and

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the sitting member of the Assembly declared his full support to Sheikh Mohammad Abdullah and wanted the withdrawal of the movement. But majority of Janata party legisaltors did not agree with him and wanted that the movement be continued till constitutional guarantees were provided to safeguard the interest of Jammu.[24]

However, the demands of the All Parties Jammu Action Committee and other issues arising out of the agitation were discussed threadbare between Chief Minister Sheikh Mohammad Abdullah and the representatives of the Committee on February 28 and March 2, 1979.[25] The Chief Minister informed the representatives that the govemment had, in pursuance of the recommendations of the Legislators Committee decided to appoint a Committee of experts consisting of an economist of repute, a constitutional expert of high standing (preferably a retired Chief Justice of India) and an Administrator with sufficient experience to look into the question of regional imbalances in the field of development, services and admission to professional institutions and to suggest measures constitutional or otherwise to remove the imbalances and to ensure permanently a just and an equitable treatment to all the regions of the State and all the areas within the regions.[26] He also agreed to release political prisoners including detenus and those arrested during the agitation and to withdraw all cases excepting those involving offences of very grave nature, as soon as the agitation would be called off.[27] He further agreed to widen even the scope of the Commission of Enquiry set-up to probe into Poonch firing by including within its ambit an enquiry into the circumstances immediately leading to firing of December 2, 1979 and subsequent cases of Police firing there.[28]

Other demands of the Action Committee were also discussed with the Chief Minister who agreed to take action with regard to them in the manner indicated below.[29]

(a) He assured the All Party Committee that civic election in Jammu region would be held as soon as normalcy was restored;

(b) He informed the representatives of the Committee that the Govemment had already announced its decision to appoint a High Power Committee to consider reforms in the present system of education with a view to solving the problems of unemployment.

(c) With regard to the demand of restarting Ayurvedic College in Jammu the Chief Minister assured the Committee that he would formally urge the Central Govemment to consider setting up of full fledged regional Ayurvedic and Unani Colleges in the State as it was beyond the resources of the State Government to set up such institutions on its own.

(d) The Chief Minister informed the representatives of the Committee that the matters relating to the displaced persons of 1947, which concern the State Government had already been sorted out and an Implementation Committee had been set up for this purpose under the Chairmanship of the State Rehabilitation Minister. He would ensure early solution of these problems and implementation of the decisions;

(e) In regard to the problems of displaced persons from West Pakistan who migrated to the State in 1947 and those who have been residents in the State for more than 25 years, the Chief Minister assured the Committee that the question of granting to these people the civic rights would be considered sympathetically;

(f) As regards the demand for reinstatement of the Govemment Employees dismissed from service during Emergency the Chief Minister assured the Committee that their cases are always open to review;

(g) The Chief Minister further agreed to discuss the matter relating to students with their representatives as early as possible;

(h) The Chief Minister informed the representatives of the Committee that a Committee has already been set-up to fix minimum wages under the Minimum Wages Act. He agreed to an early action being taken in this regard; and

(i) The Chief Minister agreed to order enquiry at district level into the alleged irregularities in the distribution of Taccavi loans, fertilizers, cooperative loans etc. and agreeds to examine the question of recoveries in easy instalments.

The representatives of the All Parties Jammu Action Committee expressed full satisfaction with the decision taken and assurances given by the Chief Minister. They, therefore, agreed to recommend to the All Party Action Committee to call off the agitation.[30]

L. Suraj Prakash Gupta, the President of All Parties Jammu Committee in his letter to Sheikh Mohammad Abdullah dated March 4, 1979 informed him that the Draft Accord sent by him had been approved with the following amendments and delittions :[31]

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1. The words, "In pursuance of the recommendation of the Legislators Committee" be deleted.
2. After the words, "or otherwise" in Para 2, the words, "to provide a sense of equal participation" be inserted.
3. After the word "All that" and before the word "regions" the word "three" be added.
4. In paras 3, after the word "release" the word "all" be inserted.
5. In para 'd' the words "These problems" be substituted by the words "all the problems, whether sorted out or not, pertaining to the displaced persons of 1947, 1965 and 1971."
6. In para (c) after the words "on the own" the words "and in the meantime the Ayurvedic College in Jammu will continue to function" be inserted.
7. In para 'g' the words 'as early as possible' be substituted by word 'immediately.'
8. In clause (e) the words "civil and rights of a citizen" be substituted for words "civic."

The original draft was then returned to Chief Minister for making necessary changes and hoped that in the spirit and congenial atmosphere in which they had met each other, he would agree to the amendments suggested and to enable them to take further necessary steps in that matter.

The Chief Minister Sheikh Mohammad Abdullah in his letter dated March 5, 1979[32] infomed L. Suraj Prakash Gupta – the President – that so far as amendment No. 1, it would be unfair to omit a reference to the recommendation of the Legislators Committee. He also justified for not accepting the proposed amendment second. He also accepted the third proposed amendment. So far as proposed amendment No. 6, he assured that those who would seek admission to the Ayurvedic College in Jammu or Unani College in Srinagar would be considered for admission in highly reputed Colleges in the Country and appropriate financial assistance both in the form of loan and scholarships would be made available by the State government. So far as proposed amendment No. 7, he thought was an unnecessary apprehension expressed by them. As regard proposed amendment No. 8, he pointed out that the word 'civic' had already been mentioned. In the end of his letter he once again assured him that there was no room for distrust and that he sincerely wanted to set right all the problems which need the attention of the government regardless whether they found a mention in the record note or not.

In his reply to Sheikh Mohammad Abdullah dated march 6, 1979[33] L. Suraj Prakash Gupta, the President All Parties Jammu Committee, Jammu regretted that he had not found it possible to accept all the proposed amendments. He further pointed out that they had decided in the larger interest not to adopt a rigid and uncompromising attitude. He said that the revised agreement incorporating the agreed changes, though not fully satisfactory nonetheless did meet to a substantial extent of main demands of the agitators. They had, therefore, decided to accept amended agreement and to call off the agitation. According to Accord both the parties agreed:[34]

(a) That a Committee of Experts consisting of Economists of repute, a constitutional expert of high standing preferably a retired Chief Justice of India and an administrator be appointed to look in the question of regional imbalances;

(b) that all the political prisoners and detenus and the persons arrested during the agitation be released and all the cases excepting those involved in offences of very grave nature, be withdrawn.

(c) that civic elections in the Jammu region would be held as soon as normal conditions were restored;

(*d*) that a high power Commission to consider reforms in the system of education with a view to solving the problems of unemployment would be appointed.

(*e*) that an Ayurvedic and Unani College in Jammu with the consent of the Central Govemment would be started;

(*f*) that an early settlement of the dispute relating to the displaced persons of 1947 was ensured by the government;

(*g*) that the grant of civil rights to the dispalced persons migrated from West Pakistan was ensured by the Govemment.

(*h*) that the cases of govemment employees dismissed from services during emergency would be reviewed by the Govemment;

(*i*) that the government would take an early decision in the matter of fixing minimum wages under the Minimum Wages Act; and

(*j*) that the government would order an enquiry at district level into the alleged irregularities in the distribution of Taccavi loans, Fertilizers, Cooperative loans and would examine the question of recoveries in instalment thereof."

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On the basis of this Accord not only the Jammu agitation which was called off on March 6, 1979 but the President of All Parties Jammu Committee also assured Sheikh Mohammad Abdullah, the then Chief Minister of the State, that in the task of ensuring a fair deal for the three regions and safeguarding the democratic rights and aspirations of the people of the state he would have the full cooperation of the Committee.[35]

Many factors had contributed to the success of the Jammu Agitation of 1978–79, Mention may particularly be made of the martyrdom of the youth, courageous struggle of students, active cooperation of all sections of the people and their unstinted faith in secularism, solidarity expressed by the senior leaders of Kashmir and Ladakh, interest shown by national leaders viz Shri H.M. Patel, the then Union Home Minister, Shri Chandar Shekhar, the then Janata Party President, Lok Nayak Shri Jayaprakash Narayan etc.[36]

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POLITICS OF DISMISSAL OF DR. FAROOQ ABDULLAHrS MINISTRY IN 1984

With the nomination as the President of the All Jammu and Kashmir National Conference by his father Sheikh Mohammad Abdullah in a mass gathered at Hazratbal in 1982, Dr. Farooq Abdullah entered Kashmir politics. During the course of his prolonged illness Sheikh Mohammad Abdullah expressed his desire to make Dr. Farooq Abdulah— his eldest son- his successor ignoring Sh. G. M. Shah his eldest son-in-law who considered himself to be the next in the party.

Sheikh Mohd Abdullah expressed his desire even before Central leadership also. He died on 8th September 1982 and minutes after his death, Dr. Farooq Abdullah was sworn in as the new Chief Minister of the State on a written request made by five Members of the Cabinet excluding G.M. Shah. The next state Assembly elections were due in mid 1983. All the political parties, therefore, started entering into compromise and alliances to get support of other parties in the said elections. Thus, negotiations also started between National Conference and Congress (I) for the division of assembly seats for the coming elections. In spite of prolonged negotiations between them nothing substantial came out. The main reason for the breakdown of negotiation was the sharing of assembly seats between Congress (I) and N.C. (F) particularly in the Valley. So ultimately both parties decided to contest elections on their own.

The campaigning for forthcoming elections started. National Conference was afraid of Congress party in the Valley. Congress party also contested to prove its strength in the National Conference dominated region of the state. Both the parties, therefore, started their election campaign at the same time. Congress top leaders including the President of the Party, Mrs. Gandhi, toured the whole of the State a number of times and canvassed for her party. She along with her other top leaders, mostly concentrated in the Valley as she wanted to show her party strength in the forthcoming elections.

On the other hand, National Conference (F) leadership in order to defeat Congress (I) entered into a dialogue with the other rightist parites of the valley. The party ultimately succeeded to get support from Awami-Action Committee, Jamat-i-Islami, Jamat-i-Tulba and its various factions.

During the course of their campaign some of the party leaders who extended their support to N.C. (F) made inflammatory speeches. They even challenged the validity of accession and pleaded for secession, abused some of the central leaders, Pro-Pak slogans were raised and Pak flags were also hoisted at certain places in the Valley. They not only raised slogans that Islam was in danger and the future of Muslims was insecure with North Indian Hindu communalists but also encouraged violence, whipped up narrow sectarian, parochial, regional and communal feelings and caused deterioration of law and order situation. National Conference (F) leadership did not use its influence to check these anti-Indian activities carried out by these parties. All these factors further created bitterness between the central and state leadership.

The then President of Congress Mrs. Gandhi last visited Srinagar in connection with the election campaign and addressed a mammoth gathering at Iqbal Park. She was geered up and some insultive remarks were also made against her. Moreover anti-Indian slogans were also raised. All these happenings not only further widened the gap between central and the state leadership, but also further aggravated the situation and further irritants and tensions started emerging.

However, the elections for the state legislative Assembly were held in Jammu and Kashmir in June, 1983. While the National Conference (F) got overwhelming majority in these elections the Congress (I) suffered a crushing defeat, particularly in the valley. The party position and the percentage of votes polled in favour of each party were as under :

Table 1. The Party Position And The Percentage of Votes Polled In Favour of Each Party.

S. No.	Name of the Party	No. of seats in the Assembly	% of votes polled Kashmir	Jammu	Total as average
1.	National Conference (F)	47	57·32	29·39	46·13
2.	Congress (I)	26	18·41	42·45	29·62
3.	Panthers Party	1	—	—	1·47
4.	People's Conference	1	—	—	4·09
5.	Independent	1	—	—	—

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Defeat in elections is a normal phenomenon in a parliamentary democracy. All political parties in a democratic set-up are supposed to accept and follow the verdict of the masses, whether in favour or against. But the Congress (I) in Jammu and Kashmir claimed exception by refusing to accept its defeat in the elections. The party challenged the election results from the day these were declared. On 8th June, 1983, just one day after the declaration of result, the party's official organ— "khidmat" interpreted elections as "fraud with the voters of the State." This was followed by a consistently slanderous propoganda of "rigging in elections" by the Congress (I) leaders.

The Congress(I) not only challenged the result of all seats it lost before the Election Tribunal, but also accused Dr. Farooq Abdullah joining hands with secessionist elements and Maulvi Farooq, acting as a tool in the hands of the forces destabilizing the country, creating barriers between the people in the state and the rest of India, raising slogans that Islam was in danger, encouraging hooliganism etc.

Though the Congress (I) had adopted confrontationist attitude after the elections, on the other hand, Dr Farooq specifically appealed to the State Congress (I) for its co-operation and participation in the efforts of development in the state. Dr. Farooq Abdullah of National Conference also tried to patch up with the Central leadership. This was clear from the following remarks :

"Though worked against the PCC (I) We found Farooq still soft towards Mrs. Gandhi, and willing to rebuild bondages with the Centre in the national interest."

Dr. Farooq Abdullah made it clear repeatedly that the National Conference government did not want any confrontation with the Centre. He said : "Centre-State relations should always be normal. If there is bitterness between Centre and State, my poor people will suffer."

Congress (I) responded negatively to this offer. It adopted the policy of absolute confrontation with the state Government. This found its reflection in the speeches and actions of the Congress (I) leaders. In a statement working President of the Congress (I), Mr. Kamlapati Tripathi, that "Our party cannot remain silent about the way National Conference got succeeded its candidates."

As is clear from the above statements, the Congress (I) was determind not to accept the poll verdict in favour of National Conference. It then started its campaign against the state Government, with the sole objective of destabilishing and toppling it. It evolved a strategy of a well-orchestrated propaganda, tried to tarnish the image of Dr. Abdullah and his government in the country, followed by large scale violence to create

chaos and then demanded "central intervention." Simultaneously it entered into an alliance with G.M. Shah through D.D. Thakur, a member of Sheikh Abdullah's last cabinet, to engineer defections from the National Conference Legislators.

The post election propaganda tirade of the Congress (I) started with the so called issue of "rigging in elections" with the aim of casting shadows on the legality of the newly elected government in Jammu and Kashmir. The state Congress (I) General Secretary, Malik Mohi-ud-din, alleged on 9th June, 1983, "Large scale rigging in elections," and "butchering of democracy,"[1] in the State.

When the "rigging" propaganda did not yield the desired results Congress (I) started another campaign of vilification against the Chief Minister Dr. Farooq Abdullah and his government. The essence of the charges was that the Government was entirely encouraging "anti-national" and "secessionist forces" in the State. His alliance with Moulvi Farooq, Chairman of the Awami Action Committee, implied a licence not only to the Committee members but to all other anti-national elements to organise themselves openly. Alliance with an organisation whose president does not admit himself to be an Indian citizen and who disputes the validity of accession was a glaring and unmistable gesture towards pro-Pakistani elements.

Moreover, it is said Dr. Farooq Abdullah had tried to get the support of State unit of Akali Dal which was a clear evidence of his involvement in the activities of pro-Khalistan elements in the State. Congress leadership at the centre as well as the state rejected all the above mentioned levelled charges against the party. They were of the view that these charges were levelled by National Conference leadership to camouflage their own misdeeds, corruptions and failures particularly on economic front.

The President of National Conference (F) even attended the opposition conclave at Bangalore. He also entered into prolonged negotiations with the opposition leaders at the Centre particularly N.T. Rama Rao, Jyoti Basu, Ramakrishan Hegde and others. Moreover, Dr. Farooq even decided to hosted the third opposition conclave at Srinagar much against the wishes of central leadership. Even the state Congress leaders did not welcome the hosting of opposition conclave.

G.M. Shah who was leading National Conference (K) opposed the move of hosting opposition conclave in the State. He issued a statement indicating that such a move would create more mis-understanding between the Central and State leadership.

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Dr. Farooq Abdullah Chief Minister of Jammu and Kashmir and the President of National Conference invited a three day conclave of the opposition leaders and hosted it in Srinagar on 5th, 6th and 9th October, 1983. 59 leaders representing 17 political parties with some independent thinkers participated which resulted in Srinagar declaration.

Discussions covered the crucial administrative, economic, political, financial and constitutional aspects of Centre-State relations, the powers and appointment of Governors, appointment and transfers of High Court Judges, the President's Powers to dismiss State Governments and declare emergency as also devolution of finance, among other issues, received special attention.

The opposition conclave in Srinagar brought all confrontation with the Centre and the then Prime Minister Mrs. Indira Gandhi described it as a conspiracy of the opposition leaders to remove her from power. She further declared the activities of opposition leaders as anti-national activities.

Each and every opposition leader clearly emphasized that they had met together for not hatching a conspiracy to overthrow the then Prime Minister, Mrs. Indira Gandhi. The conference was primarily meant to prepare a plan to avoid confrontation between the Centre and States.

Collectively, the opposition leaders discussed whether the arrangements made under the constitution for distribution of power between the Centre and the State and were of the view that the division "is improper, and inconsistent with a true federal government." Political leaders went on to comment elaborately that excessive and unfettered powers have been given to the Centre over the States, so much so that the States—the federating partners had come to be treated as mere vassal of the Centre. Whatever little autonomy was left that has also been eroded through breech of constitutional conventions and misuse of constitutional provisions by those in authority at the centre. The consequence was that the States were unable to manage their own affairs without the Central aid and approval.

From Srinagar to New Delhi, the Congress (I) intensified the propoganda campaign in order to create the impression that Dr. Farooq was emerging as a threat to the integrity and security of the country. The only solution provided was the central intervention and toppling of the Government of Dr. Farooq Abdullah. Congress (I) did not welcome the deliberations and discussions of opposition at Srinagar. The PCC (I) Chief Mufti Mohd Syed said : "Farooq Abdullah had strengthened the

hands of those who want to weaken the centre for separatist ends. They just want to destroy the stability of the country."

Abdul Qayoom and Malik M. Din General Secretaries of PCC–I said, "Opposition conclave in Srinagar is a Conglomeration of anti-national forces which are bent upon destroying the unity and integrity of the country."

Meanwhile another incident took place in the Valley which was exploited at the Centre as well as in the State by almost all political parties. The one day International Cricket Test Match between India and the West Indies was held at Srinagar. After starting the match some of the hooligans started raising anti-Indian slogans and pelted stones on the police. Even the Indian players were also man-handled. While Mufti Sayed held Dr. Farooq repsonsible for it. Mr. Rajiv Gandhi, being General Secretary Congress (I), went to the extent of saying that the incident was "a sequal to the statements made during the Srinagar opposition conclave."

Some of the Congress (I) M.P.'s on the other hand came out with a wild accusation that Dr. Abdullah had, "Created ideal conditions for the growth of extremist and pro-Pakistan elements."

Mrs. Gandhi accused Dr. Farooq "of encouraging the anti-India microscopic group in Kashmir."

While replying to the malicious propaganda against him and his party, Dr. Farooq Abdulla said "All demands regarding centre intervention to get my govt, dismissed were being made according to a previously determined pattern and plan under which violent incidents were being organised by the opposition Congress (I) leaders in different parts of state followed by a propaganda tirade about the so called repression and oppression." He added "I am sure that people in the Country will not be taken in by this baseless propaganda as they were already aware of all conceived plans of the central and state Congress (I) leaders."

To have a first hand knowledge of the incident Mr. Rajiv Gandhi came to Srinagar in November, 1983. Addressing a public meeting in Srinagar he hinted at, "firm central action in Jammu and Kashmir." He emphasised the point that, "We have to put an end to it even if it meant taking some harsh steps."

The national press reported him saying "The centre would not afford to ignore its obligations while a dangerous situation was being created in the State. The centre will have to act how so ever harsh that action might be."

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The above mentioned circumstances ultimately led to the breach among the leaders of National Conference (F) also. The climax of poliotical drama came on July 2, 1984, when 12 members of the State Assembly accompanied by Mr. G.M. Shah met the Governor of the state along with Mr. Iftkar Hussain Ansari, the leader of the Congress Legislative party and pleaded that Dr. Farooq Abdullah had lost the confidence of the majority of the Assembly and, therefore, had lost constitutional and moral right to continue in office. When Dr. Farooq Abdullah was informed by the Governor, he pleaded that loss of confidence be tested on the floor of the Assembly and requested one month time to prove majority in the house. He further added that if that request was not agreed to, the Assembly to be dissolved. The Governor wanted that Assemly should be called immediately to prove the majority support in favour of Dr. Farooq Abdullah's govemment. But the National Conference leadership including Dr. Farooq refused to accept such an advice of the Governor. Thus Governor dismissed Farooq Abdullah's Ministry and appointed G.M. Shah as the Chief Minister of the State. He was asked to prove his majority strength on the floor of the house. National Conference leadership on the other hand pointed out that floor crossing by some of its legislators was clear cut case of defection which was not permitted by anti-defection law. The matter was ultimately referred to the Jammu and Kashmir High Court. The constitutional bench of High Court dismissed the petition on the plea that it was not a case of defection but factionalism as both of the factions National Conference (F) and National Conference (K) belonged to the same political party.

The National Conference (F) leadership then started challenging the validity of actions of the Governor in dismissing Farooq Ministry. They were of the opinion that Governor by not granting sufficient time to the then Chief Minister to prove his strength on the floor of the house before the dismissal of the ministry was a clear case of favourtism. Some of the leaders also pleaded that the office of the Sadar-i-Riyasat, being the head of the state as provided by Kashmir constitution of 1957, be revived. Thus a campaign against the office of the Governor and its powers was started by National Conference (F). All this created further irritations and tensions in the constitutional relationship between the Centre and the State.

The top central leadership not only desired but cooperated in bringing about the downfall of the National Coinference (F) ministry headed by Dr. Farooq Abdullah on 2nd July, 1984 and installing G.M. Shah's ministry by the then Governor of Jammu and Kashmir; in its place. They along

with the State Congress (I) leadership were of the view that such a change would end irritations and tensions between Centre and State leadership, bring about a cordial relationship at the level of both the governments as well as give further impetus to the economic development of the State. They also believed that it would end an era of corruption, nepotism, malpractice, mismanagement and sheltering and encouraging the secessionists from inside and outside of the state. They were also of the view that Congress would improve its position particularly in the Valley by bringing about such a change. But the Parliamentary elections of 1987 in the state proved otherwise.

All these hopes could not be fulfilled by the Shah's ministry rather the conditions further deteriorated. The law and order situation also worsened which ultimately led to the imposition of the President's rule in the State.

In short the new experiment of replacing National Conference (F) ministry headed by Dr. Farooq Abdullah by National Conference (K) ministry headed by G.M. Shah did not prove fruitful.

The rightist parties and groups in Jammu welcomed the dismissal of Dr. Farooq Abdullah's ministry. They were of the view that he was playing in the hands of secessionist and pro-Pakistan forces in the valley and, thus, endangering the unity, integrity and solidarity of the country. They were also of the view that under his nose the pro-Pakistanis were organising themselves to make Jammu and Kashmir a theatre of subversion. They further alleged that he was hobnobbing with the extremist forces in Punjab also.

The rightist parties in the valley, on the other hand, regarded the dismisal of Dr. Farooq Abdullah's ministry as unconstitutional, illegal, unholy act and a part of toppling game of Congress (I) of non-Congress ministries in the different states of India.

The leftist parties in the state i.e. both CPI and CPI(M) had already warned of serious consequences if the duly elected government of Dr. Farooq Abdullah was toppled. The General Secretary of the Regional Council of the Communist Party of India Mr. M. Farooqui stated that Mrs. Indira Gandhi and other Congress (I) top leadership should not doubt the loyality and patriotism of Dr. Farooq Abdullah who was striving to strengthen the Kashmir state's bonds with the rest of the country. Even CPI(M) leader Mr Harkishan Singh Surjeet also took the same stand. He too warned that there would be a country wide agitation if Chief Minister Dr. Farooq was removed.

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In short the left openly supported Dr. Farooq Abdullah's stand and asked Mrs. Inria Gandhi to abondon the path of confrontation with the All J&K National Conference. The leftist parties regarded the dismissal of Dr. Farooq Abdullah's ministry as sad affair.

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RAJIV-FAROOQ ACCORD OF NOVEMBER 7, 1986

As already pointed out G.M. Shah's Chief Ministership was a period of corruption, nepotism, malpractice, etc. which further deteriorated the cordial relations between Centre and the State. Congress leadership also failed to establish its foothold in the valley. Inspite of the fact by trying all possible alternatives, Rajiv-Gandhi the then President of Congress (I) alongwith some of his party members were still convinced that Dr. Farooq Abdullah, the President of National Conference (F) would be the only ultimate choice who could contain fundamentalists and present a pro-national front in the valley and to improve not only the conditions in the state but to bring to rest all issues, irritations, tensions, conflicts and controversies pertaining to Kashmir's constitutional relations with the Centre.

Dr. Farooq Abdullah on the other hand was equally convinced that it would not be possible for his party to come to the power without the support and goodwill of the Congress (I). He also believed that even if he would win majority in the state Assembly, he could not remain in power for long unless and until he secured the confidence and co-operation or support and goodwill of the Congress (I) leadership. Dr. Farooq Abdullah pointed out that a policy of confrontation that he had pursued with the Centre for two years earlier had cost the state dearly.[1]

Thus, to eradicate the hatred and bitterness which had been generated between the two parties because of withdrawal of Congress (I) support to Sheikh Abdullah's ministry, formed due to Indira–Sheikh Accord of 1975; Dr. Farooq Abdullah's support to the opposition parties of India and hosting of Opposition Conclave at Sriangar in 1983, the failure of two parties to come to compromise on the division of seats of 1984 Assembly elections; the malicious propaganda and campaign by both the parties and their leaderhsip to defame each other party during 1984 assembly elections in the state; dismissal of Farooq Abdullah's ministry

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in 1984 with the help of Congress (I) support and the subsequent events and to cooperate with each other to fight agaisnt the communalist and secessionsit forces in the Valley infused by MUF's malicious propoganda, the two leaders Rajiv Gandhi and Dr. Farooq Abdullah entered into negotiations. These negotiations culminated in Rajiv-Farooq Accord on November 7, 1986 which led to the establishment of NC (F) and Congress (I) coalition ministry in the state headed by Dr. Farooq Abdullah.

Hence November 7, 1986 was a watershed in the political history of Jammu and Kashmir.[2] Not only did this date witness installation of coalition government in the state, but also coming together of two major political forces i.e. National Conference (F) and the Congress (I) and also opening up of new vista of progress through co-operation was the bounty that unfolded itself in the wake.[3]

The union of hearts between the two ideologically akin parties was the culmination of the eight months pains-taking political dialogue between the then Prime Minister Rajiv Gandhi and Dr. Farooq Abdullah. Popularly christened as Accord, the understanding was an expression of the desire of the two leaders to spur on the pace of progress in this backward state and fight untidely the obscurantist and disruptive forces.[4]

The details of terms of Rajiv-Farooq Accord were not made public and most of the top leaders of both the parties did not know. However, some of the agreed terms were said to be as under[5] :

(i) As the ideology of both the Congress (I) and National Conference (F) was based on secularism, socialism, unity and integrity of India they would support and cooperate with each other and would not waste their energies for fighting with each other.

(ii) Both would join their hands against secessionist, communalist and extremist forces on political fronts and otherwise in the state. This would ultimately lead to rapid economic development of the state and the betterment of its people at large.

(*iii*) Coalition government of both the parties would be formed before and after 1987 elections.

(*iv*) Certain seats in the Valley would not only be left for the Congress candidates in the then coming assembly elections but National Conference (F) would support these candidates during elections.

Summing up the spirit of the Accord, the then Prime Minister observed, "the purpose of the Fresh Accord was to consolidate further and unite democratic, secular and socialist forces in the state and usher

in a new era of political stability and economic prosperity not only in this state but all over the country."[1] Striking an identical note, Dr Farooq said, "the biggest political gain (of the Accord) will be to fight unitedly forces of disruption in Jammu or in Kashmir; to fight fundamentalists whether Hindu or Muslim and to be able to spend our energies in getting something better for the State, remove poverty, disease or unemployment."[6]

Welcoming the Accord Dr. Karan Singh said "the step marked the end of an "unfortunate chapter" and the beginning of a new phase of political consolidation and economic development in a crucial and sensitive border state of Jammu and Kashmir".[7]

Kamlapati Tripathi, working President of the Congress, expressed the hope that the National Conference (F) and Congress (I) coalition government would help to curb "separatist tendencies" in the sensitive state."[8]

While criticising the accord, the People's Conference Chairman, Mr. A.G. Lone described the alliance as a "division for spoils" between the two parties.[9] The right wing fundamentalist Jamat-a-Islami described the accord as a "friendship between a true Muslim and Kafir."[10] Mr. Bhim Singh of Panther's party who strongly supported Dr. Farooq Abdullah after his fall from power, had gone to the extent of submitting his resignation from the assembly in protest against the accord. He too described the Congress (I) National Conference (F) alliance as "opportunist."[11]

The then Jammu and Kashmir Paradesh BJP President, Thakur Baldev Singh, condemned the National Conference (F)— Congress (I) Accord for ending the political stalemate in the state as an "unholy alliance" In a press statement he alleged that the Congress (I) had acted against the national interest while entering into talks with Dr. Farooq who had been bounded a "security risk" in 1984 and against whom it had issued a "white paper," levelling serious charges of "corruption and malpractices."[12] Mr. Singh further alleged that the Congress (I) had entered into accord with Dr. Farooq Abdullah, purely to protect its party interests in the state at the cost of national interest.[13]

Dr. Qazi Nisar, leader of Muslim United Front, pointed out that Rajiv–Farooq Accord would work till both the leaders were on the Chair and not afterwards.[14] Syed Mir Qasim, ex-Chief Minister of Jammu and Kashmir, said that it was a understanding between two political leaders and it had not gone to the grass root levels.[15]

Balraj Puri pointing out what was wrong with Rajiv-Farooq accord

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said that "the accord was hardly an appropriate term to describe what was essentially an agreement between two political partires to form a coalition government and an electoral alliance to context elections on 23rd March, 1987. Since the Congress (I)– National Conferene (F) was described as an accord, it was perceived to be in the category of Indira–Abdullah Accord, Rajiv-Longowal Accord, Assam Accord and Mizoram Accord. The common feature of these accords was an agreement between the regional leaders and the Prime Minister of India over the disputes regarding the status or problems of the respective regions". He further pointed out that "there was no such dispute over Jammu and Kashmir state which Rajiv Gandhi and Farooq Abdullah resolved. It was an agreement between them as presidents of two political parties. But the way it was perceived, interpreted and projected, it implied a new agreement over Centre–State relations."[17]

The CPI strongly criticised the accord which resulted in the formation of coalition Govt. in the State. Jammu Regional Council of CPI in a press release issued on Nov. 3, 1986 at Jammu states, "We strongly oppose the proposed deal arrived at between NC(F) and Congress (I) to form a coalition Government in the State." According to them, "this is an unprincipled deal and shall further complicate the already difficult situation in the State. It will not even help in fighting effectively the anti-national, secessionist and communal forces in the valley as well as in Jammu whose increasing activities had distrubed secular, democratic and patriotic forces throughout the country.[18] The then Secretary of the State Unit of the C.P.I. Abdul Sattar Ranjoor stated "The alliance between the Congress and the N.C. is against the democratic principles and not based on morality."[19] He altogether rejected the claim of the two parties that their alliance would defeat the communal and secessionist elements in the State and added that instead these forces might further grow and pose a serious threat to the integrity of the State.[20]

Communist Party of India (Marxist) also described this accord as "undemocratic and unprincipled deal." It added that "it shall further complicate the difficult situation in the State."[21]

It clearly implied firstly that it was an agreement between Dr. Farooq Abdullah and the Centre and not with the Congress party and secondly that a state like Jammu and Kashmir would not get its due share in the federal set-up of India, if the ruling party at the Centre did not share power in the state. Further, to accept a political arrangement for the sake of getting more money is to cause humiliation to any self respecting people.[22]

However, as a result of accord the past was given a go by; the hatchet buried, the bitterness eliminated; substituting all this with goodwill, understanding or co-operation between the two parties inspired by a common desire to serve the people and bring cheer to them.[23]

It is common knowledge that the two parties have shared the same bedrock of policies. Their association dates back to the days of freedom struggle when what one was doing for the people elsewhere in the country, the other was purusing the same objective in J&K. There commonality of purpose was bonds of understanding between the two. With the passage of time these bonds were further strengthened.

No doubt, the relationship has had its vicissitudes this time. However, it had emerged to dovetail energies for accelerated progress of J&K for fighting the fundamentalist;' and anti national forces.

Following the Rajiv–Farooq accord, the shared keeness of the central and state leadership for accelerating State's development tempo was further reflected in the determination of the state's plan size for 1987–88. Though an outlay of Rs. 352 crores had been approved earlier, it was further stepped up to Rs. 375 crores.

The situation in Kashmir, which was culmination of definite political trend since Dr. Farooq Abdullah resumed power in the state in November 1986, following what was called Rajiv-Farooq Accord did not leave any room for doubt that its avowed objective of fighting anti-national and communal forces had not been achieved.

The Rajiv-Farooq Accord however, had some inherent adverse consequences. It damaged the raison d'etre of both the parties. For the National Conference owed its popularity in Kashmir mainly to its role of defending the Kashmir identity against the supposed threats from the Central Government ruled by the Congress. It symbolised, in particular, anger of the people of Kashmir against the dismissal of duly elected government of Dr. Farooq Abdullah in 1984. But when the same Farooq Abdullah, two years later, joined hands with the party responsible for his dismissal, his National Conference ceased to be an instrument of protest and was instead perceived by the people of Kashmir to be as an instrument of humiliation.[24]

Likewise the Congress support in Jammu was based on its supposed ability and assurances to defend identity of the region against what its people called Kashmir domination. But its alliance with National Conference just ensured the opposite of it. For it conceded the supremacy

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of Kashmir's leadership of the National Conference to rule over the state including Jammu.[25]

The Accord, above all, blocked secular and nationalist outlets of popular discontent. As long as the two parties were opposing each other those dissatisfied with the state government expressed their dissatisfaction through the Congress while those against the policies of the Centre ventiilated their feelings through the National Conference. This neat division for the state politics between the nationalist parties marginalised extremists in all the regions of the state.[26]

The Accord had nothing to offer to citizens at every individual level in the form of a less corrupt and more efficient administration, enlargement of civil liberties and a greater sense of Political participation. The exclusive focus of the propaganda blitz of the accord was on development but people in general thought that funds which were being sent to the state did not reach them. Hence, accord is said to have failed on all conceivable fronts.

In short the irritations and tensions between the Kashmir constitutional relationship with the rest of the country did not cease as a result of Rajiv-Farooq Accord but more conflicts and controversies, irritations and tensions were created. The secessionist and the communalist forces not only reorganised themselves a fresh but also co-operated with each other in their secessionist and extremist activities. The Kashmir Liberation Front, the militant forces, openly started indulging in the subversive activitis to destabilise the secular, nationalist and integrationist forces in Kashmir in order to bring about secession of Kashmir from the Indian Union.

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THE PROTECTION OF THE RIGHTS OF WOMEN IN J&K STATE : A HISTORICO-SOCIO-POLITCO AND CONSTITUTIONAL ANALYSIS

"Kashmir is known as the paradise on earth not only for its sun-lit, snow clad peaks, its shadow-kissed valleys, its lovely flowers, its green meadows, shady chinar trees, crystal-clear lakes, its rich luscious fruits and sweet-scented saffrons, its magnificant pleasure-parks, its floating gardens and glittering glaciers, and beautiful pine-mantled side valleys, but also for its most beautiful women and cherubic, rosy-cheeked children who seem to have walked out of some of the old European paintings of a flock of angels hovering around Christ Child."

Through their long history, Kashmiri woman witnessed varying fortunes. "At times women had risen to pinnacles of glory, distinguished themselves as rulers in their own right, as regents of minor princes, as powerful queen-consort, as diplomats in peace and war, as commanders of the armies, as thrifty land-ladies, as builders and reformers, as protectors of the religious lore, as singing and dancing beauties and also earned names in keeping homes."

Broadly speaking from early times down to the thirteen century A.D. Kashmiri women enjoyed remarkable freedom, wielded ample power and exercised responsibility, which gave them a high status in society. The happiest period for women was when the country came under the sway of Budhism. However, with the establishment and consolidation of Muslim rule in the valley, women were gradually and increasingly deprived of these rights and privileges. Their sole meaning and purpose in life became to keep the houses, to gratify the desires of their husbands and to procreate. But in the wake of Afghan onslought followed religious persecution, rapine and devastation. Pardaha was more rigorously

enforced, women were physically and spiritually shattered, their presence in every sphere of social activity was totally eclipsed, and they meekly submitted to expropriation and exploitation. The Sikhs who succeeded the Afghans were no less tyrannical and cruel. Dogras— the new masters, who were in the initial years busy in consolidation of their newly acquried kingdom, and annexation of the frontier areas lying in the north, evinced some interests in the moral and social uplift of the women.

Gulab Singh is known to have issued ordinance against Sati system as early as 1825 "when he was a Raja of Jammu Jagir." Later on he sent his representatives to attend the Social Reforms Conference held at Lahore in 1852 and got incorporated his ILLANS against infanticide and Sati. Ranbir Singh also issued strict orders for prohibiting Sati System and encouraged female education and the figure of girls attending schools was enhanced.

But on the whole at the close of last century Kashmir women had sunk to a low level of destitution and ignorance. Because of exploitation and a low status in society, they lost refinement of their mind and self-conflidence, spirit of revolt and sense of righteous indignation. In short, the 19th century witnessed the most complete and degrading subjugation of women in the history of mankind.

The religious dogmas were also responsible for the pitiable conditions of women in our state. They were considered as secondary citizens with no independence of any sort. The religious laws governing the system of marriage, divorce, inheritence, polygamy, dowry systme, widow remarriage and debarring widows from performing certain social functions were yet another discrimination against women.

The feudal society, like the semi-feudal and semi-capitalistic system of to-day, treated women as personal property of men. The male oriented and male dominated value system, thus, swayed the society throughout the history and subordination of women appeared in every walk of life. The social controls on women, restraining their public movement and appearance also to a great extent accounted for their losing self-confidence and initiative. The insecurity, helplessness and physical weakness made women more subservient and socially dependent. The dowry, the bride price, which were the most cruel traditional practices, continued with newer dimentions and the increasing incidental demands of in-laws, after marriage led to the further deterioration of women's conditions.

Violence or wife beating, found in several families irrespective of their social background, was probably one of the most accepted crimes committed against women.

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But the waves of the western ideas opened a new era of progress and modernization in the state. And in the ferocious opposition of the government and superstitious of elders Hindu and Muslim communities, the foreign Christian missionaries pioneered a movement for the betterment of Kashmiri women. The last Dogra Maharaja also tried his best to raise the percentage of literacy among the women and to ameliorate their socio-economic conditions. During this reign the number of educational institutions for girls increased, provisions were made to admit girls below 10 years in boys schools in localities where no separate girls schools existed; girl students were also admitted in the Colleges of the state and 7 post-matriculation scholarships of Rs. 40/- each were provided to girls desirous of pursuing college education in British India.

The deterioration of socio-economic conditions and greater strain and stress, which led to the economic insecrity of man in inter-war period and after, further increased subjection of women and degradation of their living and working conditions. Women were, thus, alienated from their families, from their native placs, their jobs, from land and from human dignity.

Moreover, the post-war emergence of new productive forces, the transformation of their ownership, the changing productive relationship and impending super structures created distinct classes, new institutions and developed new laws which further relegated women's position to an unparalled low relative to others in the social hierarchy and economic status. Hence a larger number of women became increasingly poor before independence.

In spite of all these limitations, the Kashmiri women played an important role in the Freedom Struggle of Kashmir. They suffered in thousands, and passed into oblivion without any recognition or fame. Still, from all walks of life they came forward with redoubled enthusiasm to participate in the last phase of popular resistance (i.e. Quit Kashmir Movement of 1946), against the autocratic rule under the banners of National Conference headed by a dynamic leader Sher-i-Kashmir, Sheikh Mohd. Abdullah.

The leadership of National Conference was very much conscious of the deplorable conditions of women folk in the state-as well as of the fact that the status of a woman, at whose breast humanity is nourished and in whose lap civilizations are credled, is a measuring rod of the civilization. They were also aware of the fact that the inherent strength of women, if suitably channelised, could be directed towards National Development. That was why the party in its blueprint for the

Socio-Economic transformation of the State i.e. Naya Kashmir Programme of early 1944, among other things, promised to provide safe-guards for the protection of women's socio-politico-economic interests. Sec. 12 of Naya Kashmir Programme runs as follow : "Women citizens shall be accorded equal rights with men in all fields of national life, economic, cultural, political and in the state services."

These rights shall be realised by affording women the right to work in every employment upon equal terms and for equal wages with men. Women shall be ensured rest, social insurance and education equally with man. The law shall give special protection to the interests of mother and child. The provisions of pregnancy leave with pay and the establishment of wide network of matenrity homes, nurseries nad kindergartens shall further secure these rights.

However, it is known fact that Kashmir was the only one of the hundreds of the former princely states, which was given the right to have a separate Constitution framed by its own Constituent Assembly. But it is regrettable to point out that from the females which constituted about half of the population of the state, were drawn only two women, i.e., 2.56% of the total membership of the Consembly, and their representation in the committees of the Consembly was 4.35% of the total membership of the Committees. The Consembly of Kashmir which intended to shape the future destiny of the state and to implement the cherished objectives of Naya Kashmir Programme, also discussed and debated the question of protecting the interests and rights of women folk, and made certain proposals. The section 10 of Kashmir's Constitution of 1957, therefore, provides" the permanent residents of the state shall have all the rights guaranteed to them under the Constitution of India. "The permanent residents, obviously, includes the women.

Besides the fundamental rights, the Kashmir Constitution also provides a list of Directive Principles of State Policy for the amelioration of the socio-economic status of women. Though these directives are not enforceable in the court of law, nevertheless these are declared to be fundamental in the governance of the state and like the affirmative instructions to the Government to do certain things, are the instructions which give to the Constitution a living spirit. In addition to others, one of the directives, which comprises a fairly comprehensive moral code for the rights of women, provides, "the state is directed to secure to all women the right to equal pay for equal work, maternity benefits and medical care, reasonable maintenance to abandoned married women; full equality in all social, educational, political and legal matters, the

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special protection against discourtesy, defamation, hooliganism and other forms of misconduct, to combat ignorance, superstition, fanaticism, communalism, racialism, cultural backwardness and to foster brotherhood and equality among all communities which includes women folk. The state, within the limits of its economic capacity and development, is directed to make effective provisions for securing for women who are permanent residents of the state, right to work, i.e., the right to receive guaranteed work with payment for labour in accordance with its quality and quantity subject to a basic minimum and maximum of wages established by the law, that the health and strength of working women are not abused and they were not forced by economic necessity to enter avocations unsuited to their sex, age or strength, to secure to every permanent resident including women right to free education up to the University standard".

These directives are not taken by the govenrment as pious homilies but have been and are being implemented.

It would not, however, be an easy task to survey the progress made by the government of Kashmir in the implementation of the directives relating to ameliorating the socio-economic conditions of Kashmiri women. Nevertheless, a brief reference to some of the outstanding achievemens made in this direction particularly during two and half decades since the promulagation of the present Constitution of Kashmir are as under :

For securing the right of women the State Govt. has taken different steps. Steps are also underway for enforcement of an Act which will ensure equal remuneration to women and men for the same work. There are certain fields in which women are exclusively absorbed. e.g. women education wings and nursing profession. They are also given equal opportunities for employment in other sectors. A good number of women are working in various govemment offices. In case of women employees the period of maternity leave admissible has been extended up to 90 days.

Each district hopsital is utilizing 50% of beds for the female including children. Each family welfare centre has one lady doctor, one lady health visitor, one auxiliary mother, to render specialized service to the women folk. The number of family planning centres and sub-centres has gone up to 182, number of nurses to 532 and midwives to 1,105. Women are provided generalised health service under different schemes such as Maternity and Child Health and Family Welfare and Nutrition. A sum of Rs. 15.8 lakhs has been earmarked for providing special Nutrition to 145 expectant mothers in Udhampur district only. Under Rehbar-i-Sheat

Programme and Multipurpose Health Worker Scheme, health care services, are being provided to the women in the rural areas.

Over and above these facilities, one women's hospital has been set up at Srinagar where specialised medical services are available for women.

As education is the basic imperative for the women to be strong and healthy both in brain and brawn some measures have also been undertaken to increase literacy among women. Kashmir State is the only state in Indian Union to have provided for free education to all, right up to university level. There are 2586 Primary schools, 250 middle and 16 high and higher secondary schools being manned by over 11,000 female teachers. About 2.50 lakhs girls are receiving education. The separate colleges for women have also been opened to provide higher education to them. Because of recent economic constraints, the poorer families find no alternatives, but to send their girls to work to help their elders to earn livelihood. To educate them, 1735 partime educational centres have been opened in the state where more than 33,000 children including girls are being given primary education. The poor girl students are being provided free text books, stationery, uniforms, scholarships and other incentives. Moreover, number of centres of non-formeal education for other girls, who could not go to formal schools have also been similarly increased. The number of adult education projects and adult literacy centres for women have also gone up. As a result, the literacy percentage of female has gone up to 15.82 in 1983. Women now enjoy right to vote. The state constitution provides for women to be nominated as members of the legislature, if they are not adequately represented. Women have also been given representation in the various district and block level development boards of the state to ensure their active participation in the development efforts.

For social upliftment of the women, the govemment has set up 120 welfare centres where women are imparted training in various crafts. There are 9 Nari Niketan and 'Fallah-i-Musturat centres. In each centre 25 women are accommodated for training purposes and paid stipends. Centre for training facilities in cutting, tailoring, knitting and embroidery have also been established. Sewing machines are given to widows and destitutes. The rural women camps are being organised also. Under the District Industries Centres programme., several handicraft centres are being established for the economic uplift of the women especially in rural areas. An institution namely, 'Markaz-i-Behbudi-Khawateen 'has been started at Miskeen Bagh, Srinagar where 600 girls and women from poorer classes are accommodated for imparting training in six crafts which ultimately help in supplementing their income.

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In spite of the paucity of financial resources, the state government has done, and is doing much for the betterment of women. However, whatever has been done so far to give them an equal status with men, has had very little effect on their life style. So far as unemployment, illiteracy, low health standards are concerned, they are still more adversely circumstanced as compared to men. They still, thus, continue to face enormous problems in actual life.

The benefits of the above mentioned social legislations have not reached the majority of women. Most of them are still not aware of their rights. Even if some of them are aware of the rights, the legal redress is not availed of, because it involves a time consuming and expensive process.

In order to improve their economic status, economic role-based organisations of women such as cooperative, trade union and self-employment enter-preneur groups should be organised particularly in rural areas, more and more training facilities should be provided to them for achieving higher productivity in agriculture, side jobs and family employment. There shoud be reservation for women in all training and professional colleges. More attention to be paid to population control, education and family planning as these are crucial to improve the status of women. Elementary education should primarily be entrusted to women at policy making, advisory, administrative and operative levels. The law and procedure of the state should be mended and modified to eradicate all the evil practices, to change the thinking of menfolk about the fair sex and to simplify the procedure for redressing their griviences. Procedure relating to their arrest and remand in police station should not be ornamental in nature but productive in practice. Laws relating to marriage, divorce, inheritance, polygamy, polyandry, dowry, widow-remarriage, rape, assault, starving and wife-beating should be modified keeping inview the best interests of women-folk. The cases like rape, eve-teasing, kidnapping, abetment, bride burning, dowry death should preferably be investigated and adjudicated in camera by women. Severe punishments should be provided for heinous crimes like rape, kidnapping and abduction of women, their wrongful confinement and their being forced to indulge in immoral practices. There should be speedy disposal of such cases. The government should undertake steps for bringing about an entire change in the attitude of society towards fair sex and equip them to stand on their own feet. Hoodlums should not be provided political patronage.

Social pressure can also prove to be the most potent instrument for containing and preventing such crimes. The voluntary social organisations

could be helpful in building up a proper social stance against such crimes, and extinguishing social prejudices against deserted wives, widows and widow remarriage.

In brief, a glance at the history of the position of women in Jammu and Kashmir state shows that vast strides have been taken to ameliorate their conditions; to bring them, as far as, possible, at par with men. However, the progress so far is only a first step which should lead to a heightened consciousness about the disabilities which one-half of human population suffers in developing societies, like ours. This can partly be done by passing suitable laws. But main emphasis should be on bringing about a change in social values and norms through education and community action.

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30

EMERGENT NATURE OF RURAL LEADERSHIP AND CHANGING STYLE OF THEIR FUNCTIONS IN POST-INDEPENDENCE ERA

"Local Self Government is, and must be the basis of any true system of democracy. We have got, rather, into the habit of thinking of democracy at the top and not so much below. Democracy at the top will not be a success unless it is built on this foundation from below."

– Jawahar Lal Nehru

The State of Jammu and Kashmir is administratively divided into two divisions, namely Jammu and Kashmir including Ladakh. Jammu division, however, consists of 6 districts, 30 tehsils, 57 C.D. blocks and 3, 394 villages. The total geographical area of Jammu division is 26. 395 square kilometers which supported a population of 20.76 lakhs in 1971. The population of Jammu division registered an increase of about 31 percent in 1981 as compared to 1971 and is placed at 27.18 lakhs in 1981. One important feature of the population of the division is that in 1981, 99.88% of the scheduled caste population of the state was concentrated in this part of the state alone. The scheduled caste population which forms more than 18 percent of the total population of the division faces its own peculiar problems so for its development is concerned. Out of the total population of the division, about 7.89 lakhs persons reported themselves as main workers. Thus the work participation rate (main workers only) works out to 29.04 percent. It is against 30.37 percent for the whole of the State. Jammu division has made good progress so far as literacy is concerned. The literacy percentage increased from 12 in 1961 to 21 in 1971 and further to 30 in 1981 while the percentage of the literacy for the whole of the state rose from II in 1961 to 26 in 1981. The local political phenomena, to a large extent, is under the control of Panchayati Raj.

As local self government, is the best possible instrument to distribute power on democratic lines, important units for achievements of

decentralisation of political powers and promotion of democractic values, vital instruments to provide political education and civic consciousness to mobilise the local efforts and resources in the common task of nation building, to serve as a training ground for the politicians to function at the state and central levels, it is indispensable for the success of democracy. It is here that the programmes of national development are put in action and people learn their first lesson of democratic rules.

The local government is at the bottom of pyramids of governmental institutions with the national government at the top and intermediate governments (regional and provicial) occupying the middle range.

Hence with the establishment of panchayats in the villages in 1935 under the Jammu and Kashmir village panchayat regulation of Samvat 1992, began the history of panchayats in the State of Jammu and Kashmir. Then followed the series of village Panchayats Act i.e. Village Panchayat Act (Amendment Act) of Samvat 1998 (1940–41), Revised village panchayat Act of 1952 and A New Village Panchayat Act No. XXIII of 1958, which is still in operation.

Thus, the local political phenomena, to a large extent, is under the control of Panchayat Raj leaders who have been dominating the whole complex structure of power. They are believed to be new agents of socio-economic change, development and modernisation. The socio-economic variables studied so far pointed out that some leaders are educated but poor, some of them are landlords but illiterate.

The socio-economic variables also indicate the nature of the rural leadership. They are local persons brought up in their respective localities. Most of them are modernised and well acquainted with the modern scientific knowledge of agricultural production. All the castes whether upper or lower, backward or scheduled are sharing power in rural political system without discrimination. In certain places majority castes are dominant. But in some other the dominant castes are not influential variable in the selection of the members of panchayats as well as of sarpanches. Although lower income group strata also aspires for leadership role in the rural areas, yet higher income group dominates in the local power circle. In majority of cases middle class landlords have occupied the leadership role in the rural areas. Though sarpanches adopt various other professions to improve their economic status, yet agriculture still remains their main profession.

However, the political socialisation of the rural elites is the post independent phenomeno. Prior to partition and independence, the politcial

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participation was almost sparingly available to only 5 to 8% of the literate population. The politcial participants were mostly landlords, lamberdars, village officials, zaildars and money lenders. The rest of the population was quite ignorant of the political phenomena because of the fact that the pattern of Govt., was feudalistic and authoritatian.

But elites in post independence era are democratic elite, with new aspirations, orientations and new democratic values. In contrast old rural elites were hereditary and less politicized and mostly authoritarian in style as well as in character. The new emerging elites have been politicized on the democratic lines.

In pre-independence days, small fraction of the rural leaders did participate in political process of Jammu. But the post-independence period has politicaed the majority of the rural leaders. The majority of the leaders were politically socialized by the leaders of higher status. In other words higher status political leaders changed the vision, understanding and behaviour of local rural leaders by imparting political education and training through public meetings and personal contact and influence. One third of the rural sarpanches were found to be self-motivated in their careers.

Family also acted as an agent of political socialisation to some of these leaders. Majority of the leaders discuss politics with their family members. Some of the leaders expressed that their nearest relatives and family members hold public or political offices. As politically socialized persons helps in the political attitude formation, majority of leaders desire that their children should also participate in politics. They desire that their children too join one or another political party. Moreover, political parties also assist them in getting political socialization.

The recruitment pattern of the rural elites is based on multi-factors such as their affiliation with non-govemment operated organisation e.g. trade union, caste organisations and various communities. They are recruited in the Govt. sponsored organisations with the aim of training and popular participation. The other factors which induced them for political participation are social service, party encouragement or persuation, voting, election, education etc. Sometime certain local problems and events stimulated the leaders to enter politics of community development, locality development, counter corrupt officers or person in political arena and idea to serve the country, Social reforms, to help the poor, egosatisfaction, promotion of democratic attitude, to establish rapport with the officials, to settle their person scores with rivals and to uplift minority communities.

So far as the perceptions of rural elites in respect of the local, national and international problems are concerned, we may point out that rular elites do have awareness about the local problem such as improvement of agriculture on modern lines, health, economic facilties, development etc. The majority of the rural elites have a sound knowledge about the state level problems also. For example in a study conducted by Mr. Hans Raj Sharma, of 'Rural Leadership in Jammu District' 1980, 61% rural elites had knowledge about Art. 370 of Indian constitution, 41% knew about the Nehru–Sheikh Agreement of 1952,. 85% had knowledge of Indira–Sheikh Accord of 1975. 91% of them were aware of the movement of regional autonomy spearheaded by some organisation in Kashmir. The political knowledge of the rural elites particularly of Sarpanches of the Panchayats about national problems is quite sound. Majority of them have knwledge about the role of political parties at national levels, P.M.'s twenty point economic programme, development through Five Year Plans, development programmes through community development schemes, family planning, child health etc.

So far as their knowledge about International problems, it was not good as in other cases, mentioned above. But most of them have knowledge about what is happening in our neighbouring countries such as Pakistan, Sri Lanka, Iran, Iraq, Afdghanistan. This is because of the fact that education from primary level to the University level is free. It is spreading like wild fire with the extension of more education institutions. The majority of the people, therefore, interested in reading daily newspapers and other journals. It is, thus, apparent that political knowledge component of the rural leadership in Jammu province of Kashmir State is higher as compare with that of some other states. But in spite of this the emergent rural leadershp is still sectarian, parochial and caste-ridden in periphery i.e. in some of the remote areas of Jammu. But in hinterland of the province, rural leadership is secular in outlook and in approach.

As the development role and decision making style of the elites lie in their ability and capacity to understand and grasp the existing rural problems, we may conclude that the new rural leadership use the opportunities offered to them not for the promotion of secular and democratic ideas but to articulate the interest of almost all the segments of the society living in the locality. The rural leadership particularly of Jammu district is determined to change the present social composition by indulging in new activities in the field of agricultural production and small scale industries. Although they do not want to discard their deep rooted traditional cultural values and patterns of modernized agriculture and

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technology yet at the same time they are anxious to accept new values and patterns of modernized agriculture and technology.

They are experienced in decision making and policy-making processes. They got training due to the adopting of Panchayat Raj system and anxious to bring out rural development.

But it has been noticed that the democratic style of functioning of the rural leadership has not yet come up to the expectation of the masses. For example women have not been encouraged to contest for panchayat posts. Same is in the case of scheduled castes. However, some seats for them are kept reserved as provided by the J&K Village Panchayat Act 1958.

The powers in rural areas are concentrated in a few hands. For example the same person is the Sarpanch of a Panchayat, President of cooperative society, Block President or Halqa President of the political parties. He is position holder in the caste and religious organisations as well.

In certain case emerging elites in the rural areas have aggravated factionalism, personal rivalries, caste prejudices and loyalities . These factors did influence the allocation of grants, opening of new School, dispensaries, electrification of villages and constructing of the roads etc. The rural leadership which have its say in the higher circles get the problems of their localities solved easily and quickly.

Moreover, rural elites are capable to mobilise the masses keeping in view the forthcoming elections. They will always like to remain in good books of the voters and retain their confidence to ensure their relations in future. They are always helpful to the candidates of parties who are contesting the election for the State legislature as well as for Lok Sabha.

In order to strengthen the democratic institutions at village level, as well as to modernize their style of functioning, so that they may effeciently meet the changing needs and aspirations of the rural masses. I may make following suggestions.

1. The rural eites be fully conversant with the village Panchayat Acts adopted from time to time and with their latest amendments also.
2. They should be fully aware of their functions, duties and responsibilities. The block level bureaucracy should impart training to them in this respect.
3. Panchs and Sarpanches, when elected should cease to be member of any political party, trade union, cooperative societies, etc.

4. The political parties as well as the administration at the state level should also develop a code not to interfer on political grounds unnecessarily or otherwise in the working of panchayats.
5. Adequate grants should be available to village panchayats so that rural elites could bring about desired changes and development.

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ELECTORAL POLITICS IN JAMMU AND KASHMIR STATE

In a contemporary political system election is reckoned as part of the machinary of government, a process of politics, an educative opportunity of process of legitimatization of power, a mandate, a verdict, a selection of leaders, and an instrument through which the distartion in the system set right. It invests the government with the consent of the people, imparts continuity to it, ensures its peaceful and orderly replacement and yields a meaningful insight into the nation's political culture and dynamics.

As election is the only accepted device to determine which party or parties be accorded the authority for governance for a defined period or time and inverts the system of governance with the consent of the people, it is not only the barometer of democracy; its life breath; serves as a mean of communication, legitimacy and political maturity of the electorate, a powerful agent of political socialization, imparts intensive political training to the people, rejuvenates politicians but also inducts some new blood into politics and, thus, acts a source of political recruitment. Normau D. Palmer has, thus, rightly observed that "The study of elections provides an opportunity to study a political system in action, using various techniques and methods from survey research and participant observation studies to the analysis of aggregate data." He further points out that "for the individual voter elections may be regarded as means of political participations and to some extent of policy influencing and policy choice, although may be hardly more than customary acts to which little significance is attached. For the political system, elections are important devices for assuring legitimacy and allegiance, and for system maintenance and support building." The study of electoral politics has, therefore, become most important in the contemporary political processes. Several elections studies both on macro and micro levels have, therefore, been conducted in India since independence. These studies give an inkling to the electoral experiences of the Indian masses.

The electoral experience of the people of the Jammu and Kashmir state, however, goes back to 1934 when a Legislative Assembly–Praja Sabha–for the first time constituted. It was to consist of 75 members besides the president who was to be nominated by His Highness, the Maharaja. 33 members (21 Mohammedants, 10 Hindus, 2 Sikhs) were to be elected by separate communal electorates and 14 were nominated by His Highness from the communities or areas specified in schedule II of the Regulation, 16 members, designated as state councillors, were also summoned by His Highness for a term of four and a half years. The Ministers of the state were to be ex-officio members. But the total number of official members including the ministers was not to exceed 12. The remaining seats, if any, were to be filled by non-officials nominated by His Highness.

Each Praja Sabha was to continue for three years unless dissolved earlier by His Highness. Its life could be extended by the Maharaja beyond a period of three years. After a dissolution His Highness was to fix a date not more than six months after such dissolution, for the next session of the Praja-Sabha. Two sessions, one at Jammu and other at Srinagar were to be held every year.

Table 1. The Proposed Composition of the Praja Sabha :–

Constituencies	Muslims		Hindu		Buddhist		Sikhs	
	Elec-ted	Nom inatead	Elec-ted	Nom-inated	Elec-ted	Nom-inated	Elec-ted	Nom-inated
Jammu City	1	—	2	—	—			
Jammu Wazarat	1	—	1	1	—			
Udhampur	1	—	1	1	—	—	—	—
Chenani	—	—	—	1	—	—	—	—
Reasi	1	—	1	—	—	—	—	—
Kathua	1	—	1	—	—	—	—	—
Mirpur, Hindu	—	—	1	—	—	—	—	—
Mirpur-Kotli	1	—	—	—	—	—	—	—
Bhimber	1	—	—	—	—	—	—	—
Poonch, Hindu	—	—	—	1	—	—	—	—
Haveli Mander	1	—	—	—	—	—	—	—
Bagh Sudhnuti	1	—	—	—	—	—	—	—
Mirpur, Poonch Sikh	—	—	—	—	—	—	1	—
Srinagar City	5	—	2	1	—	—	—	—
Tehsil Khas Puleama	1	—	—	—	—	—	—	—
Anantnag	1	—	—	—	—	—	—	—
Kulgam	1	—	—	—	—	—	—	—
Kashmir South Muslim	—	1	—	—	—	—	—	—
Handwara	1	—	—	—	—	—	—	—
Badgam	1	—	—	—	—	—	—	—
Baramulla	1	—	—	—	—	—	—	—
Kashmir North Muslim	—	1	—	—	—	—	—	—
Muzaffarabad	1	1	—	—	—	—	—	—
Kashmir, Hindu	—	—	1	—	—	—	—	—
West Kashmir Sikh	—	—	—	—	—	—	1	—
East Kashmir & Jammu Sikh	—	—	—	—	—	—	—	1
Ladakh	—	2	—	—	—	2	—	—
Gilgit	—	1	—	—	—	—	—	—
Total	21	6	10	5	—	2	2	1

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Total members with 16 State Councillors and 12 officials ...75.
33 elected members (21 Muslims, 10 Hindus, 2 Sikhs).
30 nominated members.
Minimum number of Muslim members ...32. Excluding the 12 officials.
Maximum number of Hindu members ...25.

Communal distribution of the Elected seats was as under :—

Table 2. Communal Distribution of Elected Seats in the Praja Sabha.

	Total	Muslims	Hindus	Sikh
Kashmir	16	12	3	1
Jammu	15	7	7	1
Poonch Jagir	2	2	—	—
Total	33	21	10	2

Nominations of members to the Praja Sabha were in theory made by His Highness but in actual practice these nominations were made by the Prime Minister or the Council of Ministers with the result that a large block consisting of 42 non-elected members was always at the back and call of the council. So even in making laws in general the Praja Sabha merely retified the intentions of the Council.

The first general elections to the Praja Sabha was held on Sept. 3, 1934. The main contesting political parties were the All Jammu and Kashmir Muslim Conference led by Sheikh Mohammad Abdullah, the Azad party, Muslim conference of Moulvi Mohammad Yusuf Shah, the Yuvak Sabha of the Kashmiri Pandits, the Hindu Maha Sabha of Jammu province, Sanatan Sabha, and some independent candidates. Only 1,30,944 persons, comprising 3.8% of the population, were enfranchised. Nearly 63% of voters were Muslims, where as 33% of them were Hindus and 4% Sikhs.

The results of the election were announced on Sept. 4, 1934 for the total 33 elected seats, 11 candidates both Muslims and non-Muslim, were returned unopposed. In the remaining 22 constituencies the number of rival candidates varied from 2 to 6 in each constituency. Out of 21 seats from the Muslim constituencies 9 were the nominees of the All J&K Muslim Conference. All the seats from Srinagar city were won by the All J&K Muslim Conference. The Azad party of Moulvi Mohammad Yusaf Shah did not get a single seat of remaining 12, one went to a Jagirdar, 3 to zaildars and 2 to pensioners. 6 seats were won by non-party men belonging either to business or zamindar classes who had the support of the All J&K Muslim Conference.

The non-Muslim had been allotted 12 elected seats including the 2 seats for the Sikh community out of these 12 seats the Sanatan Dharam bagged all the 3 seats it had contested. The Hindu Maha Sabha won 5 out of 7 seats it had contested and 4 candidates were returned unopposed including 2 Sikhs.

The following table illustrates the composition of The Praja Sabha :—

Table 3. Composition of Praja Sabha.

	Muslims	Hindus	Sikhs	Budhists	Total
Elected Members					
(i) General constituencies.	21	10	2	...	33
(ii) Special constituencies.	(not on community basis)				7
Non-elected Members					
(i) nominated non-officials	6	5	1	2	14
(ii) nominated officials	(not more than 8)				not more than 8
(iii) members of the Council (ex-officio)	(four, without regard to community)				4
(iv) The rest (nominated)	(nominated by His Highness)				not less than 9
Total : elected 40	Non elected 35 besides the President who is appointed by His Highness.				

Sardar Budh Singh, the leader of Kisan party resigned from Praja Sabha seat in Oct. 1936. Mr. Mirza Mohammad Beg of the All J&K Muslim Conference also supported him. In consequence all the members of the All J&K Muslim Conference and Praja Sabha also resigned. As a result the first by-elections of Praja Sabha was held in July 1937. The All J&K Muslim Conference once again put up the same old candidates who resigned. All of them were again returned unopposed which again marked the unique popularity of the party among Muslim masses. Sardar Budh Singh, however, refused to contest again.

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As the tenure of Praja Sabha expired in September,1937, the fresh election took place on May, 30, 1938. The result were announced on June 1, 1938. The All J&K Muslim Conference won 19 out of 20 Muslim seats it had contested, which once again reconfirmed the established mass base of the party among the Muslims. The two independent members— Pir Zia-ud-Din of Bedgum and Chaudhri Abdul-Karim from Mirpur soon after their election also joined the Muslim conference raising its strength to 21. Besides the All J&K Muslim conference, the two non-Muslims political organisation— Sanatan Dharam Yuvak Sabha of Kashmiri Pandits and the Hindu Sikh Naujawan Sabha of Jammu province and independent candidates also contested the election. Pt. Prem Nath Kak was also returned unopposed.

On March 12, 1940, the 75 seats were distributed among the various communities as follows :—

Table 4. Seats Distributed Among The Various Communities.

Muslims	Hindus	Sikhs	Others
39	29	4	3

It would be noticed that 33 members were elected by separate electorates and 14 nominated to represent specified communities. Thus 14 nominated to represent specified communities. Thus 47 members were representatives of their communities. Members who were not representatives of communities as such fall into the following four categories :—

(i) those representing special constituencies
(ii) officials
(iii) members of the council
(iv) nominated members other than officials and the 14 members representing areas and communities specified in Schedule IV.

The next elections of the Praja Sabha were due in 1942. But due to the outbreak of the world war second Maharaja had extended the life of the Praja Sabha by one year and, thus, the elections were held in 1943.

On Sept. 8, 1943, the 75 seats of the P.S. were distributed among the various communities as follows :—

Table 5. Seats Distribution Among Various Communities on Sept. 8, 1943.

	Muslim	Hindu	Total
Elected	23	17	40
Nominated	11	13	24
Official Members	—	—	11
		G.T.	75

The last election to the Praja Sabha was held on 4 January, 1947. Sixteen parties took part in the election. But the All J&K National Conference—the main party-boycotted the elections because the nomination papers of eight of its candidates fielded against Mian Ahmad Yar Kahn in Muzzafrabad constituenty were declared invalid. Moreover, the party had launched the 'Quit Kashmir' movement and some of its top leaders like M.A. Beg, G.M. Bakashi, G.M. Sadiq and few others were under detention. The party, therefore, announced to boycott the elections. In such a political vacuum, the Muslim Conference managed to bag 16 seats out of the 21 seats reserved for Muslims. Only 182,000 voters out of 607, 419 went to polls because of the boycott announced by the All J&K National Conference.

A careful analysis of the election of Praja Sabha, particularly from 1934 to 1947, would reveal that communal politics reigned supreme both among the Muslims and the non-Muslims communities. These elections were not only important but also instructive to the ignorant and illiterate people who had so far seen irresponsible and autocratic govt with a spirit of self-assestion. Moreover, with the exception of Muslim Conference and afterwards the All J&K National Conference, there had been no other 'Political Party' in the Praja Sabha in the strict sense of the term. Only the All J&K National Conference had a programme of its own and members elected on its ticket were pledged to follow the programme. The activities of these members in the Praja Sabha were directed from outside by the party which exercised great control over and demanded strict discipline from them. The other political groups had no definite programme, nor had they any organised way of conducting the elections of members belonging to them. Some of these groups had no organisation whatsoever outside the Praja Sabha. There were constituted by members who had fought their way into the House by their personal efforts and then grouped themselves into 'Blocks'. These members generally voted together but quite frequently they adopted different attitudes in relation to the same matter. These members could easily leave one Block and join another and a block sometimes Muslim Conference first and then the all Jammu and Kashmir National Conference consisted of several sub-groups. The All J&K Muslim Conference first and then the All Jammu and Kashmir National Conference, however, made up the nucleus of the opposition in the Legislature.

Elections in post–Independence

Though the election provisions under the J&K Constitution of 1934 (i.e. J&K Regulation No 1 of S-1991) as well as the Constitution of

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1939 (i.e J&K constitution Act No XIV of S-1996) were simply intended to throw dust in the eyes of the observers, yet the J&K Constitution of 1957 (i.e. present constitution) prescribes almost identical electoral system with that of rest of the country.

Unlike Praja-Sabha, 100 seats were fixed for the Constituent Assembly/Legislative Assembly of 1951 elections and of which 25 seats were kept vacant for the people of Pak-occupied Kashmir area. Thus the 1951 election was only for 75 seats, 45 seats for Kashmir and Ladakh and 30 seats for Jammu. The election was conducted by the Election Commissioner of the state under universal adult suffrage.

Table 6. The Distribution of the Total Strength of the Consembly.

Province	General	Muslim	Buddhist	Total
Kashmir	3	41	—	44
Jammu	21	08	—	29
Ladakh	—	01	01	02
	24	50	01	75

Table 7. Total Population, the Number of Voters and Their Community-wise Distribution.

Name of the province	Muslims voters	Hindus voters	Sinkhs voters	Buddhists voters	Other voters	Total No. of voters	Total No. of minors	Total Population
Kashmir	8,51,613	44,211	8,825	—	279	9,04,828	7,78,767	16,83,595
Jammu	1,78,518	458,983	17,835	—	2,981	6,58,317	8,28,912	11,87,229
Ladakh and Kargil	22,433	62	6	25,418	121	48,040	32,111	80,151
Total	10,52,464	503,256	26,666	25,418	3,381	16,01,185	13,39,790	29,50,975

Table 8. Election Results of 1951 Constituent Assembly/Legislative Assembly.

Party	Contested	Won	Unoppsed	
National Conference	75	75	73	—
Praja Parshid	(29 filed nominations 16 rejected, 13 withdrawn)	—	—	—
Harijan Mandal	2	—	—	—
Independents	3 (withdrawn)	—	—	—

As it should be, the Muslims formed the largest communal group represented in the consembly. The tendency was to over-represent majority and under-represent minority population in the consembly. From females, which constituted about half of population, were drawn only two women. The highest percentage of members held university degrees and the next highest percentage of the members was law graduates. Still there was some percentage of members who could simply read and write. The youth were more represented than other groups. The largest number of members were having politics as their occupation, represented an annual income group of below Rs 5,000, had been attracted to politics between the age 15-20 years and had neither previous legislative nor administrative or local government experience.

The next general elections were held in 1957. These elections assumed greater importance and became a centre of discussion because an informal rift within ranks of the All J&K National Conference i.e. between pro-communist group led by G.M. Sadiq and anti-communist group led by G.M. Bakshi over the allotment of seats to the supporters of each group had already taken place. Still both of the factions jointly contested elections on the National Conference ticket and won with an overwhelming majority as shown under :–

Table 9. The Election Results of Legislative Assembly, 1957.

Party	Contested	Unopposed	Won	%age	Total votes	%age of votes
National Conference	75	41	68	90·6	3,07,215	56·52
Praja Parshid	21	—	05	6·6	1,41,824	26·09
Harijan Mandal	06	—	01	1.3	31,993	05·82
P.S.P.	08	—	—	—	12,866	02·36
Independent	21	—	01	1·3	48,629	08·91

As the results indicated, the opposition, though small, came up inside the legislature. Being vocal and a check on the administration it laid down the foundations of parliamentary democracy in the state as provided by the new constitution. This time too the elections were held under the over-all control of the State Election and Franchise Commissioner. There were complaints that the then ruling party–The All J&K National Conference indulged in unfair practices during elections. Pandit Prem Nath Dogra, the President of the Praja Parishad charged that the ruling party had rigged the elections and manipulated the situation to get the majority in the Assembly. The third general elections for the State Assembly were held in 1962. For the first time this election was held under the auspices of the Election Commission of

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India.

Table 10. The Election Results of Legislative Assembly, 1962.

Party	Contested	Unoppo-seats	Won	Total votes	%age	%age of seats won
N.C.	75	34	34	704,86,060	70·00	93
P.P.	25	—	03	1,26,836	14·40	04
D.N.C.	20	—	—	31,743	4·40	—
P.S.P.	06	—	—	13,743	1·92	—
Harijan Mandal	10	—	—	13,876	1·87	—
Independents	38	—	02	7,25,866	7·43	3

The opposition parties once again charged the ruling National Conference indulging in unfair practices. Some of the proposed candidates said to have been kidnapped by police to prevent them from filling their nomination papers. Out of 294 nomination papers filed 57 were rejected mostly on unjustified and flimmzly ground. 63 candidates said to have been forced to withdraw from contest under intimidation. Out of 13 candidates other than the all Jammu and Kashmir N.C. who put up in 11 constituencies in the valley, 5 decided to retire as they had lost all hopes of fair elections. This was how 32 unopposed returned out of 34 unopposed from valley were manipulated.

The fourth general election in the state were held in Feb. 1967. By this time the ruling All J&K National Conference had been merged with Indian National Congress. On the other hand Praja Parshid— the only opposition party from Jammu-also merged with Jana Sangh. More CPI and CPI (M) units were also formed in the state. This time, however, four national parties namely the Congress, the P.S.P., Jana Sangh, the CPI and three regional parties namely the National Conference, Plebiscite Front and the Democratic National Conference in addition to independents were in the election battle.

Table 11. The Election Results of Legislative Assembly, 1967.

Party	Contested	Unoppo-sed	Won	Total votes	%age of votes	%age seats
Congress	75	22	61	4,23,922	53·92	80
Nation Conf-erence of G.M. Bakshi faction	37	—	08	1,79,179	21·47	11
Jana Sangh	29	—	03	1,31,542	16·45	04
C.P.I.	03	—	—	4,315	0·54	—
D.N.C.	19	—	—	26,390	3·31	—
Plebiscite Front	04	—	—	13,850	1·65	—
Independents	39	—	3	60,236	7·22	03

The Indian National Congress captured 61 seats and polled 53-92% of the popular votes. Where as Jana Sangh could win only 3 seats. The National Conference led by G.M. Bakshi got 8 seats. The remaining three parties— CPI, DNC and plebiscite Front virtually drew a blank. This time the number of unopposed returns also slightly dropped from 32 to 22.

The fifth general Assembly elections were held in 1972. This time elections were marked by massive participation by the people, recorded number of contestants and only 5 uncontested returns. Out of 612 nominations field only 329 candidates contested. Moreover, in addition to all India parties, several local parties like Jamat-i-Islamic. The Awami-Action Committee and Plebiscite Front came into open. Out of 329 candidates who contested 69 belonged to the Indian National Congress, 32 to Bhartiya Jana Sangh, 22 to Jamat-i-Islami, 9 to Congress (O), 4 each to the Socialist Party and the Swatantra Party and 2 to the CPI. Besides there were 196 independent candidates.

Table 12. The Election Results of Legislative Assembly, 1972.

Party	Contested	% of seats	Won	Total votes polled	%age of votes
Congress	69	77·3	58	7,64,492	55·4
Jana Sangh	32	4·0	03	1,35,778	9·85
Jamat-i-Islami	22	6·6	05	98,985	7·18
CPI	02	—	—	5,160	0·37
Socialist Party	04	—	—	1,314	0·10
Swatantra	04	—	—	694	0.05
Independent	196	12	9	3,68,965	26·75

The congress party suffered reverses in 3 Srinagar Constituencies. The Jana Sangh was able to get only 3 seats, that is too from Jammu. The Jamat-i-Islam, fared badly in the most of the constituencies while Congress (O) Swtantra Party, Socialist Party and CPI drew blank.

The six Assembly Elections of 1977 were held under Governor's rule for the first-time. Because of the twelfth Constitutional Anandment of 1975, the seats of State Assembly increased from 75 to 76. Out of 754 nomination papers filed 366 were from 44 constituencies of the Kashmir division and 388 for the 32 constituencies of Jammu division. In addition to the national parties like Indian National Congress, Janata Party, CPI, the state level political parties like the All J&K National Conference (then newly revived), Jana Sangh (Rebel) and Jamat-i-Islami fielded their candidates. However, the nomination papers of the 13 candidates were rejected.

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Table 13 : The Election Results of sixth Legislative Assembly, 1977.

Party	Contested	Won	Total votes polled	% of votes	% of seats
National Conference	75	47	8,07,138	46·2	62·7
Janata Party	72	13	4,14,021	23·7	17·3
Congress	63	11	2,94,868	16·8	11·3
Jamal-i-Islami	10	01	62,656	3·59	1·3
Jana Sangh (Rebel)	12	03	—	—	4·0
Independent	174	01	1,65,460	4·47	1·3
CPI	06	—	—	—	—

The National Conference secured as many as 47 seats i.e. 40 from Kashmir division and 7 from Jammu Division. Janata Party got 13 seats–2 from Kashmir division and 11 from Jammu Division. Where as Indian National Congress got 11 seats–1 from Kashmir Division and 10 from Jammu Division. The Independent got 1 seat that too from Jammu province. These elections had been said to be the fair and free. These elections did witness some violence but not to a point to make poll impossible. The most significant event was the total absence of unopposed returns this time.

As discussed earlier the seventh Legislative Assembly elections were due in mid 1983, all the political parties started negotiations for entering into compromise and alliance to get support of each other party in the election. Because of failure of talks between top leadership of Congress (I) and National Conference, Dr. Farooq Abdullah, the then President of the National Conference and the Chief Minister, entered into alliance with Moulvi Farooq the Chairman of Awami Action Committee— a fundamentalist organisation in the valley and got support from Jamat-i-Islam, Jamat-i-Tulba and its various factions. On one hand The All J&K National Conference leaders were afraid of Congress (I) party in the valley, Mrs Gandhi, on the other, determined to prove its party strength in the National Conference dominated region of the state. Both the parties, therefore, started their election campaign at the same time. Congress (I) top leaders including Mrs Indira Gandhi toured the whole of the state a number of times but mostly concentrated in the valley. The seventh Legislative Assembly elections were, however, unique as it was the first time that the All J&K National Conference contesting elections in the absence of Sheikh Mohammad Abdullah–the charismatic leader of the valley, the polling ceased to be one sided affair, the large turn out of the voters everywhere, who were not only enthusiastic but committed also. The two parties–National Conference and Congress (I) were mainly locked in battle in almost every constituency, desperate electoral battles were fought to the level of each polling booth, and the process of polarisation

had gone to such an extent that two rivals clashed in their bid to capture power eliminating most of the small parties and independent candidates.

The Congress (I) election strategy was to win the maximum number of seats from Jammu region and then storm some of the National Conference strongholds in the valley.

However, the elections were held in June, 1983 while the All J&K National Conference got overwhelming majority particularly in the valley.

Table 14. The Election Results of Legislative Asembly, 1983.

Party	Contested seats	Won	Total votes polled	% of votes	% of seats
N.C.	76	46	982702	41·6	51·9
Congress (I)	73	26	701930	29·1	35·7
BJP	28	—	70193	3·1	—
Panthers Party	28	01	46794	1·7	0·7
Janata Party	07	—	90257	0·2	—
People Conf.	37	01	90257	4·5	0·7
Lok Dal	07	—	4617	0·05	—
Jamat-i-Islam	27	—	70193	3·3	—
CPI	03	—	3435	0·12	—
CPI (M)	01	—	2168	0·9	—
Independents	227	1	—	15·9	—

As election results indicated except for the All J&K National Conference in the valley and Congress (I) in Jammu every other party was largely rejected by the people. National Conference, however, improved its position in Hindu majority Jammu Division including Jammu District which was once a stronghold of B.J.P. Whereas BJP, Janata Party, Lok Dal, Jamat-i-Islami, CPI and CPI (M) drew blank, the Panthers party and people's Conference managed to win one seat each.

The eight Legislative Assembly Elections were held due to the failing of constitutional machinery in the state. Because of worsened political situation in the J&K State in general and in the valley particularly due to the corruption and mal-administration of the state machinery, eruption of commual violence in Kashmir and out break of communal riots in Anantnag, Congress (I) withdrew its support to Mr G.M. Shah's ministry. The state Governor, therefore, dismissed Mr G.M. Shahs ministry and imposed Governor's rule on March, 6, 1986. On the expity of Governor's rule, the state was put under the Presi-

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On the expity of Governor's rule, the state was put under the President's rule on Sept. 6, 1986, for the first time and the fresh elections of the Legislative Assembly were announced. This announcement led to the emergence of a new political party named Muslim United Front (MUF)— a conglomeration of 14 communal sessionist parties and groups in the valley posing a serious threat both to the Congress (I) and the All J&K National Conference (F). To counter it Rajiv-Farooq Accord was concluded which resulted the sworing in of an interim coalition Govt. of both Congress (I) and National Conference (F) on Nov. 6, 1986. As one of the conditions of the Accord was to call fresh elections in the state, the assembly was dissolved on 7th Nov. 1986. On 3rd Feb. 1987 the Election Commissioner of India announced that the eighth Legislative Assembly election would be held on Mar. 23, 1987.

The MUF and Jamat-i-Islami both fundamentalist in the valley, and BJP particularly in Hindu dominated belt of Jammu region were the greatest challenge to the NC (F) and Congress (I) alliance.

However, 1064 candidates filed their nomination papers out of which 21 were rejected and 515 were withdrawn. Out of 528 contestants in the field 31 were of Congress (I) 45 of NC, 29 of BJP, 23 of Panthers Party, 11 of Janata Party, 22 of People's Conference, 11 of Lok Dal, 2 of Cong (S) 44 of MUF, 22 of BSP , 7 of C.P.I., 3 of CPI (M) and 278 were independents.

Table 15. The Election Results of Legislative Assembly, 1987.

Party	Contested	Won	Total votes polled	% of votes secured
N.C.	45	41 (1 nominated)	857830	32·9
Congress (I)	31	27	525261	20·20
BJP	29	02	132528	5·10
Panthers Party	23	—	50212	1·93
Janata Party	11	—	11301	0.43
People's Conference	22	—	94162	3·62
Lok Dal	11	—	14329	0·55
CPI	07	—	5590	0·22
C.P.I. (M)	03	—	5261	0·20
MUF	44	4	473301	18·20
BSP	22	—	56484	18·20
Independents	278	4	373937	14·38
Congress (S)	02	—	569	0·02

Election scene was more lively in Kashmir valley than in Jammu region from the starting of campaigning. The MUF, a fundamentalist outfit dominated by Jamat-i-Islami, preached brazen communalism with a separatist tinge by rejecting secularism, posed an unexpected major challenge to the then ruling alliance of the NC (F) and Congress (I). While outrightly rejecting the concept of secularism and whipping out communal passion it pleaded of contested election on the plank of safeguarding the interests of the Muslims. The ruling alliance, on the other hand, relied on the rich secular traditions of electorates which had always showed its overwhelming aversion to communalist ideology in the past. In short the tussle between ruling alliance parties and MUF developed a fierce and crusal ideological battle in the valley.

Where as elections in Kashmir valley had consolidated the electorates into two polarised camps-secular forces and fundamentalist— they seemed to have fragmented the politics of Jammu region. Like erstwhile Praja parishad / Jana Sangh and then BJP, MUF too could not cross the Pirpanchal range that divided the two major regions of the state. Out of eleven Muslim majority constituencies of Jammu, the ruling alliance had won nine. Moreover unlike the valley there was neither any clear issue nor a single opposition party that could mobilise the voters on caste, community and ethnic basis.

Jammu poll scene was also marked by Congress infightings. It appeared as a badly divided house with its candidates left to fight their individual election battle. As a result its major leaders Pt. Tirlochan Dutt in Jammu cantonment and Mr. Dharm Pal–Secretary, Pradesh Congress Committee, were humbled by little known independents. Congress (I) had maintained its portion in this region and all opposition parties proved to be negligible. Jammu, after the elections, emerged as a fragmented personality, leaderless and rudderless.

Table 16. The Election Results of the State Legislative Assembly of J&K (1951–87).

Year	Party seats	Total contested	Seats polled	Seats won	Total votes polled	% of votes	% of seats
1951	N.C.	75	75	75	—	—	100%
	P.P.	—	—	—	—	—	—
	Harijan Mandal Yuvak Sabha	—	—	—			
	Independent	3	—				
1957	N.C.	75	75 (41 unoppsed)	68	3,07,215	56·52%	90·6%
	P.P.		21	5	1,41,824	26·09%	6·68%
	H.M.		5	1	31,993	5·82%	1·3%
	P.S.P.		8	—	12,866	2·36%	—
	Independents		21	1	48,629	8·91%	1·3%
1962	N.C.		75 (34 unopposed)	70	4,86,060	70%	93%
	P.P.		25	3	1,26,836	14·4%	4%
	P.S.P.		6	—	13,743	1·92%	—
	H.M.		10	—	13,876	1·89%	—
	Independents		38	2	7,25,866	7·43%	3%

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1967	Congress		75	61	4,23,922	53·02%	11%
	N.C.		37	8	1,79,179	21·47%	11%
	J.S.		29	3	1,31,542	16·45%	4%
	P.S.P.		4	—	8,349	1·00%	—
	Plebistic front		4	—	13,850	1·65%	—
	Independent		39	3	60,236	7·22%	3%
1972	Congress	76	69	58	7,64,492	55·4	77·3%
			(5 unopposed)				
	J.S.		32	3	1,35,778	9·85%	4·0-%
	J.I.		22	5	98,985	7·18%	6·6%
	Socialist		4	—	1,314	0·10%	—
	Swatantra		4	—	694	0·05%	—
	Independents		196	9	3,68,965	27·75%	12%
1977	N.C.	76	75	47	8,07,138	46·2%	62·7%
	Janata Party		72	13	4,14,259	23·7%	11·3%
	Congress		63	11	2,94,898	16·8%	11·3%
	J.I.		19	1	62,656	3·59%	1·3%
	Jan Sangh (Rebel)		12	3	—	—	4·0%
	Independents		162	1	1,65,460	9·47%	1·3%
1983	N.C.	76	76	46	9,82,702	41·61%	34·9%
	Cong. (I)		73	26	7,01,930	29·13%	19·7%
	BJP		28	—	70,193	3·14%	—
	Panther Party		28	1	46,794	1·71%	0·07%
	J.P.		7	—	18,452	0·24%	—
	Peoples Conf.		37	1	90,257	4·05%	—
	Lok Dal		7	—	4,613	0·05%	—
	J.I.		27	—	70,193	3·37%	—
	Independents		227	1	—	15·90%	—
1987	N.C.	78	45	41	8,57,830	32·9%	52·61%
	I.N.C.		30	27	5,25,261	30·20%	34·6%
	Peoples Conf.		22	—	94,162	3·62%	—
	Panthers Party		23	—	50,212	1·13%	—
	J.P.		11	—	11,301	0·43%	—
	BJP		28	2	1,32,528	5·10%	2·5%
	Indian Congress (S)		2	—	569	0·02%	—
	Lok Dal		10	—	14,329	0·55%	—
	Independents		338				
		MUF	44	4	4,73,307	18·2%	5·1%
		BSP	22	—	56,484	2·17%	—
		Ind.	278	4	3,73,937	14·38%	5·1%

After a gap of nearly a decade because of militancy, considerable turbulence and turmoil in the State, caused by the proxy war imposed by the State of Pakistan, the elections to the ninth State Legislative Assembly were ultimately held in the mouth of September 1996 (i.e. in four phases commencing from Sept. 7, 1996 and ending on third Oct. 1996). This election had provided a glorious opportunity to the people of the Jammu & Kashmir to have their own representatives ruling the state and to realise their aspirations for speedy progress and prosperity under the conditions of peace and tranquility. In spite of the fact that over seven thousand youth, who had taken to militancy at the instigation of Pakistan, lost their lives, about the same number of innocent civilians were killed by the militants or became victims of cross fire, considerable devastation had occurred, large number of public and private buildings had been torched, developmental activities retarded, the economy put back by several years, a feeling of fear and despondency developed due to the gun culture, an alien culture was sought to be

imposed on the people against their wishes and the over all progress of the state considerably impended yet because of the determination of the people to restore peace and revive democracy, the competence, dedications, courage and sacrifies of our gallant security forces and the untiring efforts of the administration, the situation had been turned around and an atmosphere conducive for the free and fair elections of the Ninth State Legislative Assembly had been ultimate created in 1996.

This had been already proved by the successfully holding of the parliamentary elections in the state in May, 1996. However list of political parties participated along with their performance in the elections are given as Table 17.

Table 17. The results of General Elections 1996 to the Legislative Assembly of Jammu and Kashmir, the Political parties participated and their performance.
Election Commission of India, General Elections, 1996 to the legislative Assembly of Jammu & Kashmir.

PERFORMANCE OF POLITICAL PARTIES

Party	Seats			Votes Polled		Votes Counted for Recognition		Vote % in Seats Contested
	Contested	Won	FD	Votes	%	Votes	%	
NATIONAL PARTIES								
1. AIIC(T)	9	1	8	17473	0.70	12140	0.49	6.59
2. BJP	53	8	33	301238	12.13	278519	11.22	17.58
3. CPI	3	0	3	1391	0.06	0	0.00	1.03
4. CPM	4	1	3	23774	0.96	218.37	0.88	16.41
5. INC	84	7	40	496628	20.00	474841	19.12	20.39
6. JD	76	5	50	269984	10.87	228358	9.20	12.63
Total	229	22	1.37	1110488	44.73	1015695		
State Parties								
7. BSP	29	4	20	159690	6.43	149610	6.03	15.07
8. JKN	81	57	11	863612	34.78	855056	34.44	37.98
9. JPP	45	1	42	55885	2-25	31082	1.25	4.33
Total	155	62	73	1079187	43.46	1035748		
Registered (Unrecognised) Parties								
10. AIMF	2	0	2	1699	0.07	0	0.00	2.66
11. JKAL	27	1	21	60437	2.43	45116	1.82	7.70
Total	29	1	23	62136	2.50	45116		
Independents								
12. IND	134	2	124	231111	9.31	157624	6.35	5.38
TOTAL	134	2	124	231111	9.31	157624		
Grand Total	547	87	357	2482922				

Thus, electorates, in the state of Jammu and Kashmir, like that of the other Indian States, are still being influenced by several forces like that of religion, caste, community and ethnic factors. Exploitation of religions has, therefore, become a legacy in the state election in pre— as well as post–independence period and played its decisive role in determing the voters choice and preference. Abrogation of Art 370 of the Indian Constitution which granted the special status to the state is

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another major issue in almost all elections of the state since independence. The Muslims of the state are of the opinion that Art 370 is a safeguard to the Muslims of the state and, therefore, its retention is necessary till communalism exists in this country. But the Hindus are of the view that as Art 370 is an obstacle to national integrity, it must be abrogated. The issue of regional discrimination particularly of Jammu and Ladakh regions was also pre dominantly raised during each post-independence election and to some extent influenced the election results in these two regions.

The Election Results of the State Legislative Assembly Elections since 1951.

Table 18. Results of Legislative Assembly Elections 1951–1996

Year	Party seats	Total contested	Seats polled	Seats won	Total votes polled	% of votes	% of seats
1951	N.C.	75	75	75	—	—	100%
	P.P.	—	—	—	—	—	—
	Harijan Mandal Yuvak Sabha	—	—	—			
	Incependent	3	—				
1957	N.C.	75	75 (41 unoppsed)	68	3,07,215	56·52%	90·6%
	P.P.		21	5	1,41,824	26·09%	6·68%
	H.M.		5	1	31,993	5·82%	1·3%
	P.S.P.		8	—	12,866	2·36%	—
	Independents		21	1	48,629	8·91%	1·3%
1962	N.C.		75 (34 unopposed)	70	4,86,060	70%	93%
	P.P.		25	3	1,26,836	14·4%	4%
	P.S.P.		6	—	13,743	1·92%	—
	H.M.		10	—	13,876	1·89%	—
	Independents		38	2	7,25,866	7·43%	3%
1967	Congress		75	61	4,23,922	53·02%	11%
	N.C.		37	8	1,79,179	21·47%	11%
	J.S.		29	3	1,31,542	16·45%	4%
	P.S.P.		4	—	8,349	1·00%	—
	Plebistic front		4	—	13,850	1·65%	—
	Independent		39	3	60,236	7·22%	3%
1972	Congress	76	69 (5 unopposed)	58	7,64,492	55·4	77·3%
	J.S.		32	3	1,35,778	9·85%	4·0-%
	J.I.		22	5	98,985	7·18%	6·6%
	Socialist		4	—	1,314	0·10%	—
	Swatantra		4	—	694	0·05%	—
	Independents		196	9	3,68,965	27·75%	12%
1977	N.C.	76	75	47	8,07,138	46·2%	62·7%
	Janata Party		72	13	4,14,259	23·7%	11·3%
	Congress		63	11	2,94,898	16·8%	11·3%
	J.I.		19	1	62,656	3·59%	1·3%
	Jan Sangh (Rebel)		12	3	—	—	4·0%
	Independents		162	1	1,65,460	9·47%	1·3%
1983	N.C.	76	76	46	9,82,702	41·61%	34·9%
	Cong (I)		73	26	7,01,930	29·13%	19·7%
	BJP		28	—	70,193	3·14%	—
	Panther Party		28	1	46,794	1·71%	0·07%
	J.P.		7	—	18,452	0·24%	—
	Peoples Conf.		37	1	90,257	4·05%	—
	Lok Dal		7	—	4,613	0·05%	—
	J.I.		27	—	70,193	3·37%	—
	Independents		227	1	—	15·90%	—

1987	N.C.	78	45	41	8,57,830	32·9%	52·61%
	I.N.C.		30	27	5,25,261	30·20%	34·6%
	Peoples Conf.		22	—	94,162	3·62%	—
	Panthers Party		23	—	50,212	1·13%	—
	J.P.		11	—	11,301	0·43%	—
	BJP		28	2	1,32,528	5·10%	2·5%
	Indian Congress (S)		2	—	569	0·02%	—
	Lok Dal		10	—	14,329	0·55%	—
	Independents		338				
		MUF	44	4	4,73,307	18·2%	5·1%
		BSP	22	—	56,484	2·17%	—
		Ind.	278	4	3,73,937	14·38%	5·1%
1996	All India Indria Congress (Tiwari) (AIICIT)	87	9	1	17473	0.70	1.15
	BJP		53	8	301238	12.13	9.19
	CPI		3	0	1391	0.06	0.00
	CPM		4	1	23774	0.96	1.15
	INC		84	7	496628	20.00	8.04
	JD		76	5	269984	10.87	5.75
	BSP		29	4	159690	6.43	4.59
	J&K National Conference		81	57	863612	34.78	65.52
	J&K Panthers Party		45	1	55885	2.25	1.15
	All India Minority Front		2	0	1699	0.07	0.00
	J&K Awami League		27	1	60437	2.43	1.15
	Independents		134	2	231111	9.31	2.29
	GRAND TOTAL		547	87	2482922		

Table showing The Parliamentary Elections in Jammu & Kashmir State from 1967 to 1996.

Table 19. PARLIAMENTARY ELECTIONS – 1967–96 (Six Constituencies in J&K)

Election	Contestants	Electroate	Polled votes	%	Invalid votes	% (of polled votes)	Valid votes	%
1	2	3	4	5	6	7	8	9
General 1967	15	20,22,566						
		*(a) 15,81,140	872104	55.18	29480	3.42	8,42,624	53.29
Mid-term 1971	32	20,96,506	1219085	58.15	52339	4.29	11,66,746	55.65
General 1977	29	25,57,422	1479514	57.85	55190	3.73	14,24,324	55.77
Mid-term 1980	28	28,91,052						
		**(a) 23,47,931	1377988	58.69	40985	2.97	13,37,003	56.94
General 1984	48	34,00,010	213404	62.72	66915	3.14	20,65,489	60.75
General 1989	63	41,50,973						
		**(a) 33,68,375	1066879	31.67	20758	1.95	10,46,121	31.06
Mid-term 1991(Elections could not be held due to militancy)								
General 1996	110	44,51,262	2181587	49.02	105716	4.85	20,75,871	46.64

Before 1967, members to the Lok Sabha from J&K were nominated.

* Anantnag and Ladakh Parliamentary constituencies went un-contested in 1967. Figures from column 3 (a) onwards pertain to remaining four constituencies.

** Figur-es from col 3 (a) onwards pertain to five constituencies only as the Srinagar constituency went uncontested in 1980 and 1989 elections.

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32

FRAGILE AND FRAGMENTED PARTY POLITICS IN JAMMU AND KASHMIR

Contemporary democratic political system essentially derives its strength, sustenance and necessary inspiration from organised political parties which articulate public opinion and views, aggregate public interests and also help to resolve differences and social conflicts among the various classes of people. They, therefore, not only act as a link between ruling elites and the people at large, ensure the political stability of a democratic political system, bring about the profound transformation in the structure of political regimes but also act as a life line of modern politics. That is why totalitarian or democratic, developed or under-developed, large or small and all contemporary nations have turned to the political parties as an essential institution of their political systems.

While the party politics in western democracies had been internally created phenemona owing to the growth of democratic trend, in third world democracies it has generally been extra-legal or extra constitutional to fulfil the political aims of various types of individuals. The parties, thus, grew up their as national movements to fight for national independence and to drive out the colonial powers. They, therefore, had anti-foreign character and in many cases refused to cooperate with the ruling foreign power in its proposed system of parliamentary democracy. During their freedom struggle there was no system to support the creation of political parties, no legitimacy of governmental procedure within which the parties could operate and to which they could give their support, Moreover, there was little experience of representative government, no sense of citizenship defining, no common rights to give rise to legitimate expectation of participation and finally even the stark and close memory of colonial rule had inculcated a propensity for conflict rather than compromise. In addition, the parties in the third world nations had to deal with problems not experienced by the parties in the west such as struggling

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for independence, framing of constitution, creation of governmental institutions, suiting their needs, taking fundamental decisions on infrastructural development of newly liberated nations.

India, being one of the third world nations has however, a multi party system. Its multi party system is different from that of the west. That is why political scientists like Myron Weiner, Rajani Kothari and Giovanni Sartori have preffered to call it as single party dominant party system.

Most of the Indian parties grew out of the struggle for independence. The Congress party, which held the power at the centre for most of the years since 1947, is the direct decendant of the Indian National Congress formed in 1885. The Indian National Congress being, highly aggregative, seeking to unite disparate ideologies and personalities in the service of self rule in pre-independence, was, therefore, an umbrella organisation and had directed the mainstream of the struggle for India's independence. Once the independence achieved and political power transferred, the ideological and personal differences generally loomed large and led to defections and split. As politics is a struggle for power and struggle for power sometime requires the combination of the strong patterns and adhoc alliances, the most of the Indian parties except cadre based parties were, therefore, formed either due to defection or split in the Congress party. Hence ideological split led to the formation of socialist party in 1947, personality differences led to the formation of B.K.D. in 1967, ideologico-personality difference helped in split and formation of Congress (O) and Congress (I) in 1969, Janata Party in 1977 and Janata Dal in 1989.

As there is hardly emotional or psychological commitments of the people with a party except the cadre based, frequent fragementation of the parties or polarisation of like minded parties have been witnessed from time to time. The political parties sometime came into being by an alliance of various contending factions. Even the cadre based parties faced split at different times. The charismatic personality of some of the leaders too has its own place. Such a leader of national or regional level party carry with him a large number of his followers and some time floats his party. Such a party, however, loses its identity with the death or eclipse of the leader. The panorma of Indian party system is also vititated by rampant factionalism operating at almost every level.

One may observe that Indian party system not only exibits the phenomenon of single party dominant system; enormous array of parties; prevalance of factionalism, split and some of factions which

are even diametrically opposed constantly shifting pattern of coalitions or alliances, lack of ideological orientation in a few and emergence of the rightist as well as the leftist parties. The frequent events of fagmentation of parties and the moves of polarisation of like minded parties not only disturbed the stasiological map of the country from time to time but also have enabled the opportunists and careerists to establish their hold over the parties organisations.

In short, ideological, cultural and regional differences; differences on party strategies and organisational matters; factional infights; personal ambitions; charismatic leadership; clash of personalities, lust for power, lack of ideological orientation; crisis of leadership etc are the most important reasons for the fragile and fragmented party politics at the centre.

On relativelly micro level, too, one may also observe a pluralistic nature of society in the State of Jammu and Kashmir. It, has, therefore, not only led to the growth and display of fragmented political cultures, sharpening of regional identities, absence of a well disciplined inter-regional and inter-communal political party, but has also left a deep impact on the nature of state party system as well as its party politics. Like the parties at the national level, the parties in the state viz. autonomists, nationalists, integrationists, rightists, and leftists too have experienced periodic splits. Whereas ideological, cultural and regional factors have been mainly responsible for causing splits in the parties in pre-independence era, the personal ambitions, clash of personalities, lust for power, factional infighting in addition to ideological differences have been major factors prompting splits in parties in Kashmir in post-independence era. These factors have never allowed parties to be organised along caste, communal, even regional lines. Nor have they been purely ideological. Rather, political groupings by transcending regional, religious and other barriers, got organised around the top political personalities.

Despite the occasional splits within The All J&K National Conference— the grand old party of freedom movement and the party for maximum autonomy for the state afterwards— it has always been remarkably successful in consolidating its position as a single dominant party in the State. Splits within the party were, however, not allowed to go beyond a point where the party could permanently be damaged. Thus, the party's dominance on Kashmir polities continued.

The ideological splits in the communist movement at the national level, too, had its repercussion on this movement at the state level.

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The split within the state Communist Parties not only slackened the growth of Communist Movement in the State but also strengthened the right-wing and the centrist parties and the power brokers who by isolating the leftist forces, rose to prominent position in the power politics of the state.

The temperamental differences among the top leadership and intra-party rivalries to some extent have been responsible for splits in the rightist parties in the state. Jana Sangh split in 1972 not only weakened the party but caused the party to lose its hold in the Muslim areas of Jammu and confined to Hindu Belt of the Jammu region.

The lack of coherence, homogeneity, discipline and serious contradictions among the top leadership caused split in the centrist parties.

Bhartiya Janata Party, which was formed in 1980 due to the split in the state unit of Janata Party, played a role of strong opposition and strove hard for the abrogation of Art. 370, and full integration of the state with the Union of India. But the parties formed out of splits from time to time did erode the very base of their respective parent organisations and generally remained confined either to a particular region or the areas of their influence.

In short the dynamics of a single party dominance and fragile and fragmented party set-up in the state continued for a considerable period of time. Thus the parties other than the dominant one always remained in the throes of uncertainty and were dogged by fragmentation. Moreover it may be aptly remarked that most of the political parties in Kashmir state as most of them country-wide generally operate in a system in which intra-party ideological differences are less decisive in their formation and splits than intra-party divisions and groupings.

In J&K State, where one party dominant system is in operation since Independence, parties merger generally forged, because of having common ideologies, or in an attempt to have two party system or to provide a viable alternative to the ruling party. But all such attempts of party mergers in the state till date could never successfully pose a threat to the ruling party or to oust it from power.

The merger of Democratic National Conference with the All Jammu and Kashmir National Conference in 1960 was to avoid political fragmentation, to fight fundamentalists and secessionist forces in sensitive, strategically located Kashmir State. But it gave a serious blow to the democratic politics in general and opposition politics in particular.

This merger, therefore, proved to be counter-productive as it had **undermined** the working of democracy which could hardly function efficiently and effectively without a strong opposition. Moreover, it closed down the pro-Indian outlet of the people in the valley and forced them to divert their popular discontentment to anti-India secessionist outlets for redressal

The merger of the All J&K Praja Parishad with Jana Sangh in 1964 was nothing but an ideological one, as both the parties believed in the unitary system in India and abrogation of Article 370 of the Indian Constitution, and it further strengthened the integrationist forces in Jammu in order to check the aggressive as well as chauvinistic trends of Kashmiri nationalists and their anti-Jammu stance.

The merger of the All J&K National Conference with Congress in 1965 was simply to further strengthen socialism, secularism and democracy and to fight effectively the anti-national forces and elements in the state. Although, nationalist, secular and pro-India parties in the State *welcomed* this merger yet Kashmiri autonomists and various other Kashmiri leaders condemned it and termed as a deliberat move and a step towards erosion of State autonomy as envisaged in the Instrument of Accession and Article 370 of the Indian Constitution.

The merger of all groups and political parties anti to Sheikh Abdullah's policies and formation of Janata Party in the State in April 1977 was prompted to promote secularism, communal harmony, to unite all democratic elements, to provide democratic and viable alternative to the All J&K National Conference and to counter its authoritarian rule.

This merger not only demolished the myth that in a strategic and sensitive state like J&K, democracy was a risky experiment, rather its leadership pleaded that all the secular forces should unite under one banner to counter the communal and anti-national challenges in the state. This merger, to some extent, succeeded in marginalising the secessionist forces in the valley and communal elements in Jammu.

The merger of fourteen fundamentalist groups and parties and formation of MUF in September 1986 was a result of opposition to the secular forces and the state's accession with the Indian Union, and for the purpose of rapping the centre and the state ruling parties severally for per-petuating dynastic rule. This merger was also prompted by the failure of ruling parties at the centre and the state in safeguarding the rights of Kashmiri Muslims and their identity against the onslaught of secular forces, and their failure to resolve all the outstanding issues pertaining to Kashmir between India and Pakistan in consultation with

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pertaining to Kashmir between India and Pakistan in consultation with the people of the state. This merger, however, did polarise the pro-India and secular forces on the one hand and Muslim Fundamentalists, pro-Pakistan and anti-India forces on the other.

Although the electoral experience of the people of the state goes back to 1934, yet its political parties did not feel a need to enter into electoral alliances for three decades since independence.

On the eve of 1977 assembly elections, Sheikh Mohd. Abdullah for the first time did make an unsuccessful attempt to forge an electoral alliance with the State Unit of Janata Party. But the anti-Sheikh element in the *Janata Party* opposed such a move owing to their personal dislike of Sheikh Abdullah and they considered defeat at the hustings to be a lesser evil than a comprimise or an electoral alliance with him or his party.

The All J&K National Conference of Sheikh Abdullah, however, obtained an absolute majority simply by exploiting Kashmiri sentiments and RSS domination in Janata Party, which always opposed Kashmir's Special Status in India federal set-up.

After the failure of parleys for alliance with Congress (I) leadership on the eve of 1983 Assembly Election, Dr Farooq Abdullah, the then President of National Conference, forged an allaiance with Awami Action Committee of Moulvi Farooq. This alliance was taken as a symbol of Muslim Solidarity against Hindu fanatics, Dogra integrationists and Central leadership Chauvnists and day-to-day interference in the affiars of the state. Although this alliance helped National Conference (F) to *secure* absolute majority yet it had not only created Delhi Vs Kashmir polarisation, one hand and political poralsiation between two regions i.e., Muslim dominant Kashmir and Hindu dominant areas of Jammu region. It also resulted in the total rout of BJP in Jammu region and Jamat-e-Islam in the valley. As a result the support base of the BJP in Jaammu shifted towards Congress (I). The voters particularly in Jammu did not change their ideological loyalities; instead they changed their parties. The BJP was, thus, no more a threat to Congress (I) in Jammu. The alliance between the parties of Dr. Farooq Abdullah and Moulvi Farooq–generally referred to as Sher-Bakra Alliance–also had a deep impact on the politics of the state in general and politics of the valley in particular.

The National Conference (K) and Congress (I), however, forged an electoral alliance on the eve of 1984 Lok Sabha election. This alliance was nothing but a re-affirmation of support extended by National Conference (K) faction to Congress (I) to oust Dr. Farooq Abdullah from power in June 1984. Dr. Farooq Abdullah on the other hand forged an electoral alliance with Awami Action Committee, the People's Conference in the valley and with the Panthers Party in Jammu. Dr. Karan Singh, the Ex-Union Minister, the then independent candidate, contesting parliamentary election from Jammu-Poonch constituency also entered into an alliance with the State Unit of the BJP, the Dalit Majdoor Kisan *Party* and the State Unit of the Janata Party. All the parties of this alliance did not put up their candidates against him. These three electoral *alliances* formed in the state were of vital significance. The Congress (I) and National Conference (K) alliance raised the issue of stability, security and unity of the country. National Conference (F) and its allies raised the issue of unconstitutional dismissal of Sheikh Abdullah's ministry in August 1983 as well as Dr. Farooq Abdullah's ministry in June 1984. Some of its allies not only questioned the state's accession with Indian Union but also raised the issue of Muslim solidarity and reconsideration of the extension of some of the Indian laws to the State in post–1953 era. Dr. Karan Singh and his allies raised the issue of suppression of Dogras, deliberate over-sighting of their interests and virtual treatment of Jammu as a colony of Kashmir. National Conference (F) and its allies, however, made a clean sweep in the valley; National Conference (K) and Congress (I) alliance captured all the two seats in Jammu region. Whereas Dr Karan Singh and his *allies failed* to win the Jammu-Poonch Parliamentary seat. Thus, the whole Kashmir valley asserted its *regional* identity *by solidly* rallying around the National Conference (F) led alliance, whereas the Jammu regional identity was fragmented as the Jammu Nationalists merged their identity with the National mainstream represented by Congress (I).

The National Conference (F) and Congress (I), however, formed coalition ministry followed by electoral alliance to contest 1987 State assembly election. As long as these two parties were opposing each other, those dissatisfied with the National Conference Govt. expressed their dissatisfaction through Congress (I), while those against the policies of the centre vented their feelings through the National Conference. Such a division of the *State politics* between two parties always marginalised the fundamentalist, extremists and secessionists elements in the State. But this alliance between the two major political parties *above* all blocked the secular and nationalist outlets of popular-discontent. The vacuum, thus, caused by the absence of a strong viable opposition was filled up by the fundamentalist and secessionist forces under the banner of MUF, Jamat-e-Islami and others. The Na-

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the potent and immediate causes of the rise of militancy in the Kashmir valley in particular.

It has also been observed that the party splits, mergers and alliances, in the state generally have been motivated by the strong desire to counter one party dominant system and to provide an alternative to the National Conference, personality conflicts, lust for power, safeguarding the interests of varied religio-socio-cultural groups and the conflicting interests and identities of its various regions.

In short, one may conclude that the fragile and fragmented party politics in the state of Jammu and Kashmir have been generally motivated by the above said factors viz. strong desire to counter one party dominant system and to provide an alternative to the All Jammu and Kashmir National Conference, personality conflicts, lust for power, safeguarding the interests of varied religio-socio-cultural groups and conflicting interests and identities of its various regions. The political parties in the state, therefore, split and merge, wax and wane, disappear and retum, enter into alliances and coalitious are formed to achieve their political ends.

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33

PEOPLE'S POWER AND PEOPLE'S MOVEMENTS: A STUDY OF MILITANCY IN KASHMIR

A few irritating questions are specifically being raised in the mind of a prudent man about the present crisis in Kashmir. These are :—

1. How the Kashmirs, who had upheld the secular outlook in the past, rejected two nations theory of the Muslim League, opposed Kashmir's accession to Pakistan, fought against the brutal tribal invasion in 1947, suddenly became anti-India, anti-Hindu, anti-democratic and started demanding state secession/independence?
2. How the confidence of Kashmir Muslims in Indian secularism witnessed in forties and early fifties, has been by and by shaken?
3. How could members of a docile, timid, peace loving and non marshal community have taken up arms?
4. How could a community which was favoured with lavish central aid be so ungrateful?
5. How the policy of appeasement and pampering has miserably failed despite liberal doles and largess pumped in the State?
6. How, a few hundred misled Kashmiri unemployed young men trained in and infiltrated back from Pak occupied Kashmir could stir a mass movement among the three to four million Muslim population in the Valley and bring them to the brim of the crisis?
7. How regional irritations, nursing illusions, integrative constitutional relations, political mismanagement, deception and duplicity at the state as well as at the centre levels generated bitterness, frustrations, sense of betrayal and alienation of Kashmir masses?

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8. How the Kashmiri masses, who had already faced bayonets and bullets of autocratic army, tribal invaders, Pak-army, have become so impotant to stand and fight against the misguided young Kashmiri, who have taken to arms, and the missionaries from across the border?

9. How the Kashmiri masses have been made to believe that the malicious anti-India propaganda launched by Pakistan T.V., Radio and press is true and even the news from Indian, T.V., Radio and press are false?

10. How the All J&K National Conference, which made sacrifies during the struggle for freedom in the state, always secured the absolute majority in the elections, suddenly began to lose its popular support in the valley?

11. How the Kashmiris allowed the millitants to spoil the sanctity of the religious worship places for their selfish and personal ends in the valley?

12. How they were made to witness like spectators the burning of religious worships places and the property of non-Muslims?

The present crisis is, howevers, a product of years of political mishandling at many levels which led to the accumulation of the bitterness, frustration and generation of a sense of betrayal and alienation among the millions of Muslim population in the valley.

While government of India is busy in finding some sort of workable arrangement with the sacessionist elements to bring normalcy in the strife torn state, there appears to be gross neglect of both the historic and basic field realities which not only led to the emergence of the Present situtation but has also ruined this heaven on the earth. To understand the current scenario it will be necessary to go back a little, not only to the roots of the problems but also to see how mishandling has aggravated the situation. This exercise will suggest the path we must now take.

At macro level the first and the biggest blunder, said to have been committed by Indian leaders, was naming of Pt. Jawhar Lal Nehru as Mahatma Gandhiji's successor and the first Prime Minister of independent India in preference to Sardar Patel— the iron man of India– and a well deserved epithet. Although Pt. Nehru was an intellectual and no one could doubt and question his patriotism and immese love for India and its people yet in no accepted standard sense he was diplomate or an uncouth politician. Succumbing of Pt. Nehru

under the then state government pressure and handing of Kashmir Affairs department to him, when all other states which acceded to Indian dominion were being handled by the Ministry of state in the charge of Sardar Patel, was another blunder said to have been committed. The third blunder committed by him was to refer pak-aggression on Kashmir in 1947 to U.N.O. on the advise of Lord Mountbatten and by ignoring the advise of Sardar Patel, Kunzru and host of other intellectuals around him. But the facts are otherwise. Mr. R.K. Sher, how ever, points out that "It was not the lack of diplomacy, it was Nehru's obduracy amounting to only one cook spoiling the broth while as other cooks advised this power intoxicated cook not to get influenced by the ill intentions of Lord Mountabatten, the then Governer General of India." Still another blunder said to have been committed was to refer Kashmir issue to U.N.O. under chapter VI (Pacific Settlement of Disputes) and not under chapter VII (Action with Respect to threat to the peace, Breach of the peace, and act of aggression). Another blunder was to accept, cease fire, proposal, much against the advise of General L.P. Sen then I/C Kashmir operation and General Kulwant Singh then I/C of whole Kashmir operation as well as when Indian army was advancing and enemy could have easily been evicted from the entire state territory within hours in 1948.

While stressing that leadership at the centre has done everything under the sun to make the world to believe that Kashmir is not an integeral part of India to the same extent as the other states, Mr. N.B. Grant points out that centre has not only installed Sheikh Abdullah as its first P.M. and not as C.M. of the state, granted Kashmir a special status under art. 370 of the Indian Constitution to provide for its traditions and susceptibilities which were said to be peculias to it, allowed the Srinagar radio station to identify itself as Radio Kashmir and not as All India Radio Srinagar in July 1948, but also allowed it to have separate constitution, separate flag and a separate emblism and thus, allowed our credibility to be suspected in the eyes of the world. An other blunder committed was of agreeing to plebiscite to resolve Kashmir Issue.

Even at Tashkand in 1966 our leaders, while ignoring the national interest, had shown their credulity by agreeing to give up Hajipir in exchange for Chhamb merely because pakistan made a socalled commitment "not to have recouse of force." Another most disastrous mistake said to have been committed by our leader was to have signed Simla Agreement in 1972 by which India returned 5,000 sq.miles of captured Pak-territory along with 93,000 of Prironers of war without

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making Pakistan to agree to a final settlement of Kashmir Issue. Our leader, thus, lost in diplomacy what our brave soldiers gained on the battle ground.

A host of Indian scholar are of the view that even the recent nuclear blasts at Pokhran could not deter Pakistan to disist its efforts of making trouble in Kashmir and to drop its long plan envisaging methods of combat, short of direct military action, which will destroy India's will to resist, damage her political capacity and expose her to the world as an oppressor. Rather these resulted in Pakistan to renew its attempts to internationalise the Kashmir Issue and involve third party, particularly when Pak-sponsored Proxy war (operation to Pac) appears to be losing its momentum and failing in its objectives.

But one should access and analyse each above mentioned political events keeping in view peculier conditions, situations and circumstance prevalent at that very particular times. Other wise his out of context accessments, observations, analysis and conclusions most of the times may be subjective, partial and unfair.

At micro level Sheikh Abdullah and his colleagues, being true Kashmiri nationalist and fully conscious of their separate Kashmiri identity, much inspired by the Congress leadership and their struggle for freedom in 40s. They too organised the people of Kashmir under the banner of the All J&K National Conference to launch Kashmir's fight for freedom against the feudal, anti-democratic and autocratic Dogra dynastic rule. No doubt there was then closest relationship between Congess and National Conference leadership yet Kashmiri political elites had maintained their separate identity, carried their freedom struggle separately, had their own programme of action (Naya Kashmir) and spearheaded the Kashmiri Nationalistic sentiments through out their struggle.

At the time of partition of the Indian subcontinent, Kashmiri leadership perceived a threat to their separate identity from Pakistan which refused to concede them the right to decide their fate themselves. The Pakistani leadership rather recognised the right of ruler to do so. And later on assumed it for itself and tried to enforce it through tribal invasion.

A self-respecting community like Kashmiri (as well as Dogras of Jammu) did not accept that position.

Hence instrument of state accession was entered and military help from India was sought to defend the state people from the brutality of

the invaders. It was a limited accession— conceeding three subjects— Foreign Affairs, Defence and Communication.

But Indian leadership and the National Conference leadership had divergent perceptions about the decision of Kashmir accession to the Indian dominion. For Indians it was just a part of process of integeration of Indian states. But Kashmiri leadership tended to treat it as an enabling provision to seek help of a superior power to protect their identity from an aggression.

As already said that when the Constitution of India was in a final stage of making, the need was also felt to give representation to Kashmiris in the Consembly of India. Thus, four members were nominated there. In order to decide the future constitutional relationship with India. A high power meeting of a committee of Kashmiri and Indian leaders was then held in 1949 in New Delhi and certain broad principles were laid down. The position finally crystallised when draft Art. 306-A, was presented to the Parliamentary Board of Congress Party to discuss it. It was revised three times to accommodate the view points of both the parties.

At one stage the Kashmiri delegation to the Indian Consembly threatend to resign if their view point was not accepted.

The attempts by the Centre to persuade the state leadership to conform to a uniform pattern created the first strains in the Kashmir— Centre relations.

However, Art. 370 was the full guarantee to the state's special status within the Indian Union as well as the recognition of Kashmiri's separate identity.

So far as temporary, transitional nature of Art. 370 was concerned the integrationists in Jammu as well as in India were of the opinion that Art. 370 was created due to the special circumstances prevalent in the state at that time and could be abrogated by the President of India whenever normalcy would be restored in the state. The Kashmiri leadership, on the other hand, believed that Art. 370 was the only basis of Kashmir's constitutional relations with the Indian Union and altering and abrogating this article unilaterly by the Centre would not only constitute a breach of the spirit and letter of the constitution but it might also invite severe consequences in the way of a harmonious association of our state with India.

As said earlier, the Dogras of Jammu, who believed the Dogra Maharaja as a symbol of their security against the majority community

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supported him and opposed National Conference struggle against the dynastic rule, in pre-independence. But after the establishment of democracy they, believing the majority of India as symbol of their security against the Kashmir chauvinism, organised themselves under the banner of Praja Parishad which spearheaded a movement for abrogation of Article 370 and complete merger of the state with the Indian Union as other class 'B' states. This movement in India was supported by the most of the communal and Hindu dominated organisations such as RSS, Jana Sangh, Hindu Maha Sabha, Ramraj Parishad etc. The movement gave another shock to the Kashmiri Nationalists about the security of their identity with in Indian Republic. Meanwhile the student wing of RSS (V.P.) refused to respect and honour the flag under which the Kashmiri Nationalists carried on their long struggle for freedom and represented their regional sentiments.

Moreover, Praja Parishad and their sympathisers in India opposed the convening of the Kashmir Consembly, Land reforms, abolition of monarchy, elected head of the state, adoption of separate flag and emblem, the idea of Kashmir being autonomous republic within Indian Republic. Mr. N.G. Ayyangar, the then Minister of states of India visited the state and advised the framers of the state constitution to be practical and not to be led by theoretical ideas. Such an interference from the centre in the state further created bitterness of feeling of doubts between the leaders at both the centre and state levels. Even Sheikh Abdullah felt hurt.

These developments had made possible for disruptive forces to make desparate attempts to disintegrate the state. With the starting of Praja Parshad movement against the National Conference leadership designs, brought a direct conflict between integrationist of Jammu, their sympathisers at the centre and the autonomists of the valley.

Provoked by the aggressive attacks from Praja Parishad leadership and its sympathiser at the national level, Sheikh Abdullah in a sensational speech at R.S. Pura reiterated again that Kashmir's accession to India would be of a restrictive nature and those who wanted Kashmir to lose its separate identity were talking without any concept of political realities that faced them. In an other speech at Hazarat Bal on 18th April 1952, he stressed that Kashmiris in no way were prepared to renounce their cherished ideology in furtherance of which they had offered their blood and sweat. He never wanted and wished for either accession of the state to Pakistan or its independence but maximum autonomy for the state within Indian orbit. In order to end this tug

of war, the Indian Govt. invited Sheikh Abdullah for talks in Delhi but he refused to go there for several months. At last he went to Delhi along with his trusted colleagues, entered into negotiation and ultimately Delhi Agreement of 1952 was signed.

Soon after he was accused of not implementing the Delhi Agreement of 1952 faithfully which further deepened the crisis. Srinagar city was full of rumours. One rumour was that Sheikh Abdullah would make some important announcement on his return to Srinagar from Gulmarg where he had gone for weekend along with his family on Saturday, the 8th of August, 1953.

The State-Centre honey moon witnessed the first major breach in August 1953 when Premier Sheikh Abdullah was sacked and jailed. The subsequent reign of terror gave another shock to them. Thus, the architect of state accession with India overnight became the rallying point of anti-India, pro-Pak forces. The plebiscite front, which was then formed carried under its banners different discontented groups, secessionalist and outright Pak agents. For the first time, the anti-Indian elements developed the capacity to pose a serious threat to the integrity of the state.

As already pointed out that all the political regimes which then followed were nothing but the puppet govts. which further contributed to the alienation of the Kashmir masses by their wrong policies. As a result the problem of communalism and secessionism had taken a serious dimension in the state. A number of Kashmir elites started challenging the state accession to the Indian Union and pleading for holding plebiscite to decide it finally. Pakistani influence was still on increase. Sheikh Abdullah was still regarded as undisputed leader of the valley.

On the other hand, as said earlier, the failure of Pakistani army to capture Kashmir by force, the then Pak turmoil due to not accepting Mujube-Ul-Rehman as Pak Prime Minister inspite of securing absolute majority in Assembly election, civil war in East Pakistan, commission of massacring, raping and other atrocities by Pak army on the co-Muslim brothern had a deep impact on the thinking of Kashmiri elites in general and top leadership in particular. Most of them were convinced that Kashmiris might have been treated in the same way as that of the Bengali Muslims of East Pakistan if the valley had acceeded to Pakistan. They were equally convinced that the possibility of Kashmir to be independent was also very bleak as it was surrounded by a number of big impires. They were, therefore, of the view that if there could be any solution of their problem it would be within the framework of Indian constitution.

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As Sheikh Abdullah was still regarded as undisputed leader of the valley, Mrs. Indira Gandhi and his top colleagues were also seemed to have been convinced that it would not be possible to get the popular support from the valley by ignoring Shikh Abdullah as well as no final solution of Kashmir issue would be reached without taking Sheikh Abdullah into confidence.

As already said under these compelling circumstances a prolonged negotiations started between Mr. Parthasarthy and Mr. M.A. Beg, on behalf of Indira Gandhi and Sheikh Abdullah. These negotiations culminated into the Indira-Sheikh Accord of 1975. Although Sheikh Abdullah and others were won over for a settlement within the constitutional framework when central leadership renewed the assurance that Article 370 would be kept intact. Yet, they remained bitter over the erosion in the content of the state autonomy (as provided under Article 370) since August 1953— the period of wilderness.

The situtation hardly improved in the wake of Indira-Sheikh Accord, the calculation on which the maker of Accord relied heavily, proved to be incorrect and unrealistic. There was a sea-change in the thinking and belief of the original followers of Sheikh Abdullah and those who collected around him under the leadership of plebiscite front. The vast majority of the new National Conference men were not wedded to secularism and Indian democracy and were easily exposable to the virus of pan-Islamism. They were unhappy on the return of Sheikh into power, as a result of Accord because they believed that the 'Massiha' had failed miserably in his mission to safeguard the separate Kashmiri identity against the Indian Chauvnism.

Kashmir is the only state where central govt. has always imposed govt. of its own choice, however, unpopular and corrupt it may be; one party dominated the affairs of the state; (i.e. one party govt. as the norm); where loyality of govt. had symbolised the loyalty to the country; where demand for democratic and human rights, protest against corruption, maladministration, administrative injustice are branded as treason, pro-Pak-agent and anti-national.

As already pointed out that the central leadership wanted Dr. Farooq Abdullah who succeed his father, though with the help of Indira Gandhi, to toe the lines of the centre. But he avoided. The result was a tug of war between J&K P.C.C. and National Conference leadership. Even the negotiation of the sharing of seats between the two parties for 1983 Assembly election also flopped. National Conference, however, succeeded to get absolute majority in the election with the support of

the rightist parties— Awami Action Committee, Jamat-i-Islami, Jamat-i-Tulba and its various factions. During Farooq's second term, known Pak agents said to have been awarded with high political position. The youngmen who had said to have been remained in contact with the Pak intelligence were accommodated in the administration. Thus, anti-Indian forces gained respectability and freedom to operate from positions of authority and they thrived under the protective umbrellas of the politicians in power. By the time Farooq govt. was dismissed in July 1984, the tentacles of terrorism had spread extensively. Subversive literature including periodicals regularly brought out and widely and almost openly distributed alongwith weapons and explosives. There also emerged the terrorist gangs like 'Aljehad', 'Al-Maqbool Muslim Mujahideen', Holy War Fighters, etc.

The dismissal of the popularly elected govt. of Dr. Farooq Abdullah gave another shock to the Kashmiri political elite. His role as Kashmiri protest, as he symbolised the Kashmiri identity was further undermined.

The conditions were further deteriorated during a short spell of G.M. Shah regime. The political imbecility and administrative naviety resorted to this period had no paralell. Anti-nationals operated unfettered and unchallenged, and created an atmosphere congenial for the promotion and spread of militancy.

However, as a result of Rajiv-Farooq Accord of 1986 a coalition govt. of Congress and NC (F) was formed. Both the parties jointly contested Assembly elections. The massive rigging in 1987 election which saw large number of Kashmiri youth taking part on the name of national unity grossly eroded the authenticity of public verdict and further gave a setback to the Kashmiri faith in democratic values. The govt. formed thereafter became a victim of manipulation by warring factions of beaurocrats, its own lethargy and the non-performance of the leaders.

Once again I may point out that before the Accord, Congress was a channel of discontent against state govt. as it was an opposition party. Where as the National Conference— the party in power, was a channel to express discontentment against the centre. But as a result of Rajiv-Farooq Accord, a coalition govt. of Congress – National Conference was formed and both these channels were closed and people directed toward communal and secessionist outfits. All avenues of redressal were therefore, closed. Thus pent up anger over the systematic denial of democratic rights, crudely rigged elections alienated the Kashmiri masses so deeply that they had lost all faith in

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Indian democracy and took up arms. In other words, the lack of democratic traditions, civil liberties and free elections in the name of national interest further forced the popular discontentment to seek outlets outside the system. Moreover, repeated communal riots in India and the chauvinistic attitude and behaviour of majority communities viz Slogan of Hindu Rastrya, destroying Mosque and building up a temple at its place, abrogation of Article 370 etc. further put fuel into the fire.

The Pakistani connection with Kashmiri people was always there since 1947. It may also be true that several hundred of Kashmiri youngmen have been trained and infiltrated back from Pak-occupied Kashmir to stir the secessionism. But there number is too small as compared with three to four million Muslim population. They could only succeed in their mission due to the help and sympathy of the masses which have been sadly alienated especially in the Valley.

Kashmir because of its geo-political and ethnic set up inherently possessed the ingredients considered conducive to the growth of terrorism. These are :—

1. Existence of Self-conscious, segregated, ethnic, cultural and religious minorities.
2. Prevalence of self-conscious feelings of economic deprivation, political oppression and poor job opportunities.
3. Denial or lack of voting rights.
4. Extemal encouragement and inspiration.
5. Situation of acute un-employment.
6. Failure of political leadership to overcome people's frustration providing ideological content to violence.
7. To motivational variations arising out of varied political considerations and failure of leadership at various levels to reconcile the different claims and aspirations.

However, if political ethos is vitiated by the unprincipled search for power, if fundamentalism and parachochialism are instigated, if people are divided on caste and communal lines; if the rich are callous in pursuit of consumerism and the poor continue to groan under the burden of their poverty; if politics become more and more exploitative and economy more and more lopsided, fertile ground for growth of terrorism would continue to exist. The same has happended in the state of Jammu and Kashmir.

So far as levish central aids are concemed, one may understand that money cannot be a substitue for the satisfaction of the political

urges of the people. Rather it stimulates. It can provoke people if they suspect the motive of the aid given. Moreover, further aid becomes counter productive if the manner in which it is being spent, causes corruption and economic and political distortions.

The major political urges of the Muslim of Kashmir remained unfulfilled and even the Indian politcal system failed to provide adequate channels for registering their dissatisfactions. To understand all these questions and the behaviour of the Kashmiri Muslims we must remember that Kashmiri Muslims are Kashmiris as well as Muslims.

We, therefore, keep on blaming Pakistan for many of the trouble of our own making. We accuse her for organising training camps for terrorists along the Kashmir boarder, a fact that is true and now has not been denied even by the U.S.A. and U.K. But nothing could have happened without the sympathies of Kashmiri masses.

The Situation was, thus, ripe. Pakistan just moved in with greater and more intensified emphasis on training, enhancement of financial inducement and sophisticated weaponry.

The present crisis in the valley in particular and in Poonch-Rajouri, Doda, Bhaderwa and Kishtwar in general has, therefore, been master minded by Pakistan on the premise of 'Muslim Majority' concept with fundamentalist ovetones giving it a different tinge. It has also been a result of unholy liaison between secessionism and fundamentalism. Some of the Muslim Fundmentalists Organisations like Jamat-i-Islami has opened a number of schools, where anti-secular, anti-India and anti-national education is being imparted to poisoned the mind of the young Muslims against the socialist, secular and democratic India in a well planned and highly effective manner.

The present crisis is, however, a product of India's excessive idealism, its lack of experience in deplomacy at the time of independence, an overly accommodative trait of Hindu culture, the soft and permissive attitude of the central leadership, politics of deception, years of political mishandling at many levels which led centre to make one mistake after another in handling Kashmir issue at International and National levels as well as the accumulation of the bitemess, frustration and generation of a sense of betryal and alienation among the millions of Muslim population in the valley.

Mr. Jagmohan, the ex-governor of J&K has also rightly pointed out "The current turmoil in the valley has long been in the making. Its roots be embedded in the solft and permissive attitude of the central leadership, in the politics of deception, in the supurious democracy, in

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the habits of nursing illusions, in the unwholesome legacies of the past, in the fundamentalization of religions, in the infirmities of administration, in public corrouption, in environmental disruption, in regional differences... and in the overall dynamic of negative forces."

Thus, the motivational variations arising out of varied political considerations and failure of the leadership at various levels to reconcile the various claims and aspirations, the faulty policies of the central govemments; the soft and permissive attitude of the central leadership since independence; the policies of deception, spurious democracy, habit of mursing illusions; political mishandling; unwholesome legacies of the past; the infirmities of administration; the fundamentalization of religion, public corruption, environmental disruption, regional differences, the repeated communal riots in different parts of the country, time and again slogans for the abrogation of Art 370 of the Indian Constitution. the malicious Pak-propaganda, infilteration from across the borders and Pak-sponsored subversion; the increasing numbers of various fundamentalist and secessonist groups; the rising number of unemployed youths and the other dynamics of the negative forces led to, not only the accumulation of bitterness, frustration and generation of a sense of betrayal and alienation among the millions of Muslims population in the state but also to the rise of militancy in Kashmir. The present crisis in this sensitive border state not only caused the serious threat to the national security of our country but also has converted this heaven— the valley of Kashmir, into the hell and pushed the peace loving Kashmiris to the major dis-astrous situation.

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HOW TO COMBAT MILITANCY IN KASHMIR— A VIEW POINT

The statesman, scholars, experts on Kashmir affairs, leaders of political parties, journalists, bureaucrates and others have suggested various measures to tackle the menace of terrorism and militancy and to bring normalcy in this sensitive border state— The Jammu and Kashmir. The most important of these measures are Scrapping or Abrogating Article 370; Ruthless suppresion; Handing over Valley to army; Military solution; Holding plebiscite; Independence to J&K; More economic development and more aids; Grant of pre-1953 status, Meaningful autonomy; Making India a geniune federal state; Unconditional political dialoge with militants; Trifurcation of the state; Division of state along the actual line of control; Third party mediation/arbitration; Solution through distiguished citizens; Giving more autonomy to Kashmir Valley; Demilitarisation of J&K, etc. A brief but a critical analysis of each of these measures shall be most appropriate and desirable in this direction.

The integrationalists inside and outside the state are strongly pleading for the scrapping or abrogating of article 370 of the Constitution of India, which being temporary and transitionary provision, has granted special status to the Jammu & Kashmir State in recogition to its traditions and peculiar susceptibilities. They believe that this provision is soley responsible for not only creating but widening the gulf between the people of the state and that of the rest of India. But the supporters of scrapping or abrogating of Article 370 have perhaps forgotten that this provision is the only basis of Kashmir's costitutional relations with the Indian Union. Moreover, 99% of the Kashmir Muslims irespective of their political affiliation are in favour of retention of this provision. Hence any unilateral attempt of scrapping or abroagating this Article will not only constitute a breach of the spirit and letter of the Constitution but will invite still more serious consequences in the way of harmonious association of the state with Indian Union. We may also not forget that all

such attempts to nullify this provision since August 1953 could not bring Kashmir closer to the rest of India but further alienated them and have provided support to the disruptive forces and evil designs of Pakistan.

We should also keep in mind that Indian Constitution is studded with special provisions like Article 371 in respect to the regions of Maharashtra and Gujrat; Article 371-A confers a special position on Nagaland; Article 371-B to Tribal areas of Assam; Article 371-F Manipur; Article 371-D to Andhara Pardesh; Article 371-C to Sikkim; Article 371-G to Mizoram and Article 371-H to Arunachal Pardesh. It is, therefore, invidious to pin-point on Article 370 only.

Those who suggest ruthless suprression of the Kashmiri masses perhaps have not learnt lesson from the past history. For example, Pak-suppression in eastern wing of Pakistan in 1971, in Sind, in Balochistan and Russian army suprression in Chychania. Moreover, ruthless supression does not provide a durable and permanent solution to any problem. We should also not forget that in spite of clossal destruction of men and material since 1989, the militancy could not be curbed and normalcy could not return in the valley.

The handing over valley, Doda-Kishtwar and Rajouri districts to Army may not serve the purpose. It may further add fuel into the fire. The recent examples of Russia handing over Chychania and Pakistan handing over Sind province to army and their consequences are also before us. Moreover, using army against our own nationals may be unethical. Even if we succeed to hold on Kashmir with the military, para-military and of the police and by passing legislation, unless we can hold state emotionally, we are not holding it at all.

Even military solution may also not desirable. Three wars have already been faught with Pakistan and entire army formation is located there in a constant state of readiness the result is identical. We are where we were in 1947. Another war will be a nuclear war and shall be most disastrous for the people of both the countries but may be without substantial change in the present boundries of both the sovereign states. Moreover, military solution can only be desirable when India is fully prepared to confront not only Pakistan but also China simultaneously. Such a war may also turn to world war if China and Muslim world come in support to Pakistan. I think our nation cannot afford such a venture. There may also be American, Western World, Mulsim World and U.N.O pressure against such a dangerous move.

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The implimention of five decades old U.O. resolution for a plebiscite in J&K to decide its future is also not at all possible. The accession of J&K State to India is legally unquestionable. Even the U.S.A upheld the legality of Kashmir's accession to India during the Security Council debates in 1948. It may not be out of place to mention that Lord Moutbatten's letter to Maharaja, in reply to his letter accompained the Instrument of Accession, in which he wrote—

> ".....it is my government's wish that as soon as law and order have been restored in Kashmir and its soil cleared of the invaders, The question of the State's accession should be settled by a reference to the people."

Simply indicated its ^wish', which has no legal validity. Neither Maharaja's letter and nor the above said reply were the part of the Instrument of Accession. Dr. Adersh Sain Anand— The Chief Justice of India. Therefore, rightly observed that :

> "This statement does not and cannot affect the legality of accession which was sealed by India's official acceptance."

Mr. Mehar Chand Mahajan— The formal Chief Justice of India while refering to plebiscite a condition of the Jammu & Kashmir State's Accession with Indian Dominion observed :

> "The only documents relevant to the accession were the Instrument of Accession and the Indian Independence Act and as the constitutional documents did not contemplate any conditions, there can be no question of the accession having been conditional."

He further added :

> "Finality which is statutory can not be made Contingent on conditions imposed outside the powers of the statute. Any rider which militates against the finality is clearly ultra vires and has to be rejected."

Pakistan is also well aware of the fact that its legal position on Kashmir is unviable. That is why it has been acting in desperation. Its dilemna is explained by its knowledge that a genuine plebiscite in J&K will not lead to the state joining Pakistan because the Hindus, Buddhists, Gujjar and Bakarwals, Shias, Ahmades, Sikhs, pro-indepdence and Ikhwan (Pro-India) outfits as well as autonomists would never vote for Pakistan. The repeated Pak reference to the U.N. resolution for

plebiscite in Kashmir is mainly to put India on the defensive. India keeps reminding the world that any implementation of U.N. resolution has to begin with Pak withdrawing its troops from pak-occupied Kashmir, including Galgit and Baltistan. When these conditions were not met by Pakistan, its and other outfits insistance to hold plebiscite after fifty years is unrealistic. Whereas, Pakistan has already handed over a sufficient part of the state territory to China. Moreover, the Kashmiris as well as Pak-ocupied groups in London have challenged the claim of Islamabad to speak on their behalf. They say that Pakistan has no locus standi in the dispute. Dr. S.K. Durani— The President of Indo-Pak European Forum wounders how Pakistan claims to speak on their behalf, when Pak government's armed, trained, funded terrirists are the creators of tragedy in Kashmir. Even Mr. Anwar Khan— The Chairman of the Jammu and Kashmir Peace Committee in London has rightly pointed out that "Pakistan has been declared aggressor in Jammu and Kashmir under the U.N. resolutions and had been asked to vacate its troops, which it should do now and let the people of the state negotiate their future in dialogue with India." Lor Eric Avebury, chairman of 'Kashmir Watch'-a prominent Kashmiri group in London— also strongly condemned Pakistan for its hawkish attitude towards 13 million, politically concious and vibrant people of Kashmir. Even Mr. Siraj Shah - the Executive Director of this Organisation-pointed out "Pakistan or its puppets have no mandate from the people of Kashmir to represent them in any negotiations concerning the future political status of Kashmir. Even Dr. Farooq Abdullah— the Chief Minister of the State, while inaugurating 2-days Deputy Commissioners Conference held on 21st October, 1993 and quoting an independent study, recently conducted by a Belgian, declared that "Nobody in Kashmir is for Pakistan." At the same time no respectable country will, therefore, accept such a situation when it has been right side of law, propriety and morality.

Those who had made commitment for grant of right of self-determination/plebscite are no more and those who would have participated in such pleciscite, more than fifty years ago, are also no more alive. The new generation is entirely different both in outlook and practical life style. We should also keep in mind that no country can afford to keep an option open for all times to come and provide a slightest possibilities of dismambement of its territory. The commitment than made cannot be biending on the posterity. One should also not fotget the fact that the state's accession to Indian Union had already unanimously ratified by the Kashmir's Consembly as early as 1954 and it also ruled out any

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possibility of holding plebiscits in the state. It may also be pointed out that any commitment of granting right of self-determination or holding plebiscite before 26th January, 1950 *i.e.* before the enactment and enforcement of the Constitution of India has now become unconstitutional because this Constitution does not accept the right of secession for any acceded state or any part of its territory. This is why Prof. Maurice Mendeson— a British expert in Public International Law— rightly pointed out that Kashmiris have no legal right to plebiscite or self-determination. The top official in Delhi's South Block asserted time and again," that Jammu and Kashmir is an integral part of India. The state accession to India, brought about in 1947, is a fact of history. Hence, the question of having a referendum in Kashmir just does not arise." India, therefore, would nor permit anyone to undo Kashmir's accession to India even if Pakistan sought to involve other countries in support of the unacceptable demand for the grant of self-determination right to Kashmiris. Major K. Brahma Singh in his article titled "How Pakistan scuttled the Plebiscite issue," rightly pointed out, "The issue of self-determination in Kashmir is now long dead, with the last nail in its coffin having been struck by the Shimla Agreement, which has made all U.N. resolutions in this regard redundant, Little wonder that U.N. does not now find it necessary to have these resolutions implemented. It must be understood that withdrawal of troops by India and Pakistan always remain to be pre-requisite for holding a plediscite, if it to be free and fair, and acceptable to all. It would be wishful thinking on the part of proptogonists of the plebiscite if they believe that what could not be got done immediately after the Cease Fire in 1949 could be got done now after the two sides have been in occuption of their respective portion of state territory for last half a centuary. Pakistan probably understands the impractibility of holding a plebiscite but is using the slogan of 'self-determination,' with its universal appeal as a ralfying cry' for keeping the insurgency going."

Dr. Issar Ahmed— one of the Pakistan's most relgious scholars— in his two-part article titled 'Possible doubts and dangers for Pakistan in friendship with India' published in Urdu daily 'Jang' has also advised his country's top leaders "To stop insisting on the united Nations resolution on Kashmir and resolve the issue in a spirit of give-and-take with India." He further added that "The United Nations resolutions on Kashmir were not only obsolete but also fraught with dangers for pakistan. For holding a plebiscite in Kashmir in accordance with these resolutions, Pakistan will have to vacate what it calls "Azad" Kashmir, Gilgit, Chitral and the northern areas of Baltistan and hand them over to the

U.N, while India will be allowed to keep minimum force in its side of Kashmir. Thus, Kashmir will ultimately go under the control of United States which will turn it into another Israel."

Some of the outfits in the valley like JKLF and a few groups outside constantly demanding independence for Kashmir state. They regarded it as a panacea for all evils and exploitation of the Kashmiri masses both by India and Pakistan. Sheikh Mohammad Abdullah had already ruled out the possibility of Jammu and Kashmir State being an independent state as early as in 1952 because of lack of goodwill for it on the part of its neighbouring states. Moreover, the idea of independence for Kashmir state shall not be acceptable by the other regions of the state— Jammu, Ladakh, Gilgit, Baltistan, etc; People's republic of China; Russia, and even by India and Pakistan. Economically too an independent Kashmir state would not be viable solution when both of its parts— Jammu and Kashmir as well as so called Azad Kashmir constantly depending on heavy subsidies from India and Pakistan respectively. Moreover, those who demand independence for J&K State should learn a lesson from erstwhile Sovient Union, Yugoslavia, Chychania and Afghanistan where struggle for indepencence has caused only destruction and devastion of their people. Even the British security experts have pointed out that "The option of independence for Kashmir is unrealistic because China and Russia time and again have rejected the idea of Kashmir being an independent state."

Some of the critics are of the view that the present crises in Kashmir state is because of lopsided economic development in which its benefits have gone to some sections of the society and the majority of the people are still poor, illfed and ill-clothed. The unemployment of educated youth is another serious problem. That is why they have become easy prey of the false propaganda of Pak-media and of other fundamentalist and secessionist outfits in the valley. But things are otherwise. In spite of the fact that ever since independence and even at the expence of draining her own megar economy, centre has kept on pouring crores of rupees in the valley in the hope that India would win over Kashmiris to her side yet the influence of distruptive forces increased day by day. We should not forget the fact that a greater dose of aid cannot be a substitute for satisfaction of political urges of the people. Rather it stimulates and provokes them if they suspect the motives of the aid givers. It also becomes counter-productive if it causes corruption and economic and politial distortion. Moreover, for how long

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corruption and economic and politial distortion. Moreover, for how long centre will go on to pour money, resources and men into the valley which bring her nothing but insecurity, frustration, daily loss of lives and is a constant drain on her faltering economy.

A suggestion has also been made that granting of meaningful autonomy like that of Pre-1953 status and withdrawl of all central laws extended to the state since August 1953 would satisfy the Kashmiri masses and normalcy would return to the valley. The supporters of this view plead that the majority of the newly emerging political elitets in the valley are now convinced that in present day world no state can operate purely on religious basis. They also believe that they have no future in Muslim Republic of Pakistan, fully dominated by the Punjabi Muslims, But the reality is the Jammu and kashmir's Constitution has been amended several times since August 1953 and a few central laws have been extended to the State with the approval of its legislative assembly. It may not, therefore, be an easy thing to go back to pre-1953 position. Moreover, majority of Indian leaders stressed time and again that there should be no reversal of the process of integration of the State with the rest of the country. Even leader like Indira Gandhi was of the view that "clock cannot be put back and we have to take note of the realities of the situation."

Some of the political elites particularly communists suggest to make India as a genuine federal State in which its federating units (the states) should not the vassals and whosoever gets into power in Delhi can dismiss state governments even for petty reasons. They plead that such an act will satisfy the Kashmiri masses and the mornalcy will return to the valley. But one should not forget that India is not an homogenous but an heterogeneous country. Being a multi-lingual, multi-racial, multi-cultural and multi-religious state, it comprised of different regions, each of which has distinct regional and politcal personality of its own. In fact political and emotional divergence between different regions have been growing over the years. A loose federal structural may, therefore, not desirable in the interest of the unity and integrity of the country. Moreover, the past history of this country is an eye opener for us.

The crises in Kashmir can also said to be tackled and resolved through unconditional negotiation and dialogue with misled Kashmiri militants. The supporters of this view are of the opinion that Kashmiri Muslims have already seen the fate of non-Punjabi Muslim, Ahmides, Shias, etc in Pakistan. They, therefore, convinced that they have no

future by acceeding to Pakistan. Even Mr. N.B. Grants points out that "We (Indians) have experimented with different political systems and have changed governors gallore, in the hope of seeing even a small flicker of light in the Vale's dark tunnel. But so far there has not been a glimmer of that hope. If anything, things have deteriorated even more, so till today, it has become the insecure land, not only in the country, but perhaps in the world." Even Mohd Alta Alias Azam Inquilabi- one of the senior most god fathers of Kashmiri insurgency and patron of Jammu and Kashmir Mahez-e-Azadi (JKMA) said," that the negotiations are the best course to be pursued in all crisis." It is, therefore, most appropriate and desirable to start unconditional negotiations with the misled Kashmiri youth to bring normalcy in the state.

But some of the political parties as well as their leaders plead that there should be no place for anti-national on the negotiation table. Hence, no dialouge with the killers, kidnapers, looters and rapeists. Moreover, there are various millitant groups active in the state and some of them are at degger drawn with each other and the separatist leaders were lying one another with suspicion. To bring all of them on one table for negotiation is most difficult task. The experience of the world has, on the other hand, demonstrated that flexibility may not be feasible and even desirable in all circumstances. Rather a clear cut but stern policy lines will help more in combating militancy in the state.

A group of newly emerging political elites in Jammu are strongly advocating for trifurcation of the state rather than regional autonomy. They believe that trifurcation of the state may also help to some extent to curb militancy in the state. A somewhat similar proposal was once before the active consideration of the Basic Principles Committee of Kashmir consembly in 1953. The idea was to create Republic within a Republic (*i.e.* Indian Republic). The proposal, however, could not materialised due to the strong opposition of integrationalists inside and outside the state. Although, this proposal, if imlemented, may reduce the possibility of regional imbalances, irritations and tensions among the three regions of the State— Jammu, valley and Ladakh - yet it will give further impetus to diversive forces to exploit the situation. Even the National Conference, B.J.P. and other fundamentalist and secessionist groups in the state are against such a division of the state. Balraj Puri is of the view that 'Trifurcation of the State is nothing but to divide it on communal lines." He further pointed out that, "As the Kashmir issue has been internationalised, some foreign powers have revived

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that "the concentration of militants in muslim majority parts of the Jammu region with a view to rid it of Hindu population serves the same purpose of communal division of the region. Any attempt to divert regional frustration into a separatist demand would only fuel communal passion at the present juncture." Mr. Puri urged a cool and dispassionate debate on the conceptual framework of the regional autonomy....instead of arousing regional or communal passions and speaking alternatives. Moreover, both the earlier Commissions - one headed by Justice Ganjindergadkar and the other by Justice S.M. Sikkri— had rejected the demand of regional autonomy as well as trifurcation of the state.

Acceptance of status quo *i.e.* division of Kashmir state on the actual line of control (ALC) is also said to be the only solution of Kashmir Problem and any attempt to force other option will prove disastrous for the people of India, Pakistan as well as that of Kashmir. The supporters of this proposal as well as critics of India's Kashmir policy point out that after 50 years of keeping Kashmir constitutionally and more so emotionally seperate from India (because of Article 370, having separate constitution, separate flag, separate emblem), how can India keep on harping on the time worn cliche of Kashmir being an integral part of national life. Even American President, Mr. Hizenover suggested it in 1958. It is also said that there was a definte understand between Z.A. Bhutto and Mrs. Indira Gandhi at Shimla that both the leaders would henceforth pursuade their respective people to accept the Actual Line of control as the International Border. K. Braham Singh has also stressed that "As neither Pakistan nor India is in a position to alter the situation created by the Cease Fire Agreement of 1949, by use of force or otherwise, a permanent status quo rougly along the Cease Fire Line appears to be the only viable solution to the Kashmir imbroglio. That in practical terms is what the Simla Agreement is all about." But integrationists, automosits, pro-independence groups in Kashmir (*i.e.* JKLF), people of India as well as in Pakistan, may not accept this proposal.

The proposal to get Kashmir issue resloved with the help of third party mediation or arbitration or intervention is also not acceptable by the people of India as well as the autonomists and pro-independence groups in the state. They have not yet forgotten the results of World Bank Brokered 1960 Indus Water Treaty and the 1969 Rán of Kutch award of arbitral tribunal presided by Sweden's Gunnar Lagesqren.

The P-5 and G-8 countries are veering round the idea that ultimately,

the Kashmir Issue must be resolved by the two parties themselves without third party mediation. Even Mr. Richard F. Celeste, the U.S. Ambassadar to India, indicated that U.S.A. did not consider Kashmir issue to be an internal matter of India saying it only had regional but also global ramifications. He further added "However we do believe that the only way in which this vexed problems betweeen the two countries (India and Pakistan) could be sorted out is through bilateal talks." But the basic hitch in the proposal of bilateral talks is that Pakistan wants Kashmir to be discussed first, where as India wants other issues to be resolved first before discussing Kashmir. At the same time Indian Government reiterated "Its willingness to discuss J&K with Pakistan should not be interpreted as Delhi's willingness to discuss the state's accession to India. Nothing can change...and none will be permitted to change...the constitutional relationship between Kashmir and the rest of the Indian Union." Mr. N.B. Grant, therefore, ironically pointed out that except Kashmir there are no other issues between India and Pakistan.

Dr. Issar Ahmed warned Pak-top leaders that as Pakistan could not take Kashmir by force nor India would offer it on a plattern, the path of biltateral negotiation between the two-India and Pakistan— was the only way to reach a solution. He further stressed that "As India and Pakistan are bound by the Shimla Agreement and as such the two countries should normalise their relation by direct negotiations." The critics of this proposal point out that about fifty years have been already wasted by both the nations in dialogue and discussion at different levels but without any tengible result. It is also pointed out that "The moral of Kashmir story lies perhaps in Alastair Lamb's observation in Kashmir— A Disputed Legacy. If the parties in conflict truely want it, the difficulty may well be as good as solved. If they do not, the whole dreary business can drag on for generations...."

The suggestion is that let distinguished citizens (five in number) from both the sides— India and Pakistan— and not politicians sit down and find out if any formula can be evolved to resolve Kashmir issue. The supporters of this idea plead that for fifty years the Indo-Pak conflict had moslty focussed on Kashmir and then 25 years there had been Shimla Agreement. But we are no where near a solution. Each side is insisting on its own points and progressing no where. Both the countries have been involved in low intensity war on Kashmir which had already taken its toll of men and material. Moreover, entire army forma-

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tions of both the countries are located in Kashmir in a constant state of readines. It is, therefore, best to leave politicans from both sides and five nominated distinguished citizens from each side, who are not politicians, should sit down and find out if any formula can be evolved to solve this problem. But such a funny proposal may not be acceptable by the people of India, Pakistan as well as Kashmir.

Another suggestion to make Jammu a separate state, Ladakh a Union Teriitory and then more autonomy be given to Kashmir Valley under Art. 370, is also rejected by all the parties to dispute. However, supporters of this proposal are of the view that since Pakistan cannot lay claim on Jammu or Ladakh, there is only the question of Kashmir Valley where 95% of the population is Muslim and in last fifty years we (Indians) could not changed their mind. Hence how do you go on dealing with the people who are not with you? So we have to face the facts and find out the best solution. But both India and Pakistan want entire Jammu and kashmir State as it existed in pre-1947.

Mr. Mohd Azam Inquallabi recently proposed for "demilitarisation of entire war effevted zone in Jammu and Kashmir from Muzaffarabad to Doda. Let the state remain independent for 30 years and then determine its geo-politcal future." Neither India nor Pakistan will accept such a proposal.

I may aid here that Sheikh Mohammad Abdullah and Ch. Ghulam Abbas also agreed to a some what similar proposal way back in Jan.- Feb. 1948, when Ch. Abbas was lodged in Jammu Jail. The two leaders expressed the desire to end the war that was going on at that time in J&K and held a number of meetings. During their third meeting, they agreed on a formula for the solution of Kashmir Issue. They proposed :—

"1. Cessation of hostilities between India and Pakistan in Kashmir and restoration of August 15, 1947 position in the state.

2. Have a National Conference and Muslim conference Coalition govemment in the state and restoration of trade and tour links with the both dominions— India and Pakistan.

3. This position should continue for three to five years.

4. And after that people of the state should have the right to decide their fate, through plebiscite whether they wanted continuation of the their existing position or align and accede

with either India or Pakistan."

"They also agreed to have a round table conference among responsible leaders of the two countries to settle all problems through negotiatious." When Ch. Abbas submitted this Abbas - Sheikh formula to Mr. Jimah, after his release and return to Pakistan in March 1948, he not only expressed his doubts but also rejected it outrightly.

Jawahar Lal too mooted the idea of holding a round-table conference, in which governer-Generals and Prime Minister of both the dominions, Maharaja Hari Singh and Prime Ministers of J&K and Sheikh Mohammad Abdullah should participate to find out a solution of Kashmir Issue as early as in 1948. The provision was also kept for including more persons, if any, in the conference but with mutual discussion. Pakistan accepted the proposal with certain reservations *i.e.* (i) the conference should be held at Lahore, and (ii) the names suggested for taking part in the road table conmference were accepted except that of Sheikh Mohammad Abdullah. This proposal too did not materialise.

The following measures have also been suggested to be taken by the central government to effectively tackel the terrorism in Kashmir:—

"1. The entire Kashmir Valley be handed over to the army and a house to house search be conducted to flush out the terrorists.

2. The terrorist training camps in Pakistan and Pak-occupied Kashmir be smashed and Pakistan should be firmly warned against its abettment of the separatists of the valley.

3. Art. 370 of the Indian constitition be scrapped.

4. All Hindus who migrated to India in the wake of Partition and settled down in J&K be given full citizens hip rights.

5. A time bound programmes to be adopted to enable the displaced people from Kashmir to go back to their original places and live with safety and honour.

6. A security belt be created along the border and Hindus, especially ex-servicemen should be settled in the border area with due facilties.

7. Immediate and effective steps should be taken to check the spread of terrorism in the Jammu region.

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8. No talks should be held with terrorists, and no bargains, held for kidnapings.

9. The regional imbalances of the State of J&K should be set right by establishing regional councils for three regions of the state."

The implications of some of the above said measured have been already discussed. A few others, if carries out, have dangerous repercussions. For the implemention of some of these needs constitutional amendments not only in the constitution of India but also in Jammu and kashmir's constitution.

This discussion shall, however, be inconclusive if I fail to present my own humble suggestion as to how to combat terroism/militancy in Kashmir. I may point out that all the above said suggested measures may not help in combating terroism in Jammu and Kashmir. As Kashmir crises is multi-dimensional, a multi-dimensional solution is desirable.

World has entered a new post-cold war era in which all national and International disputes being resolved by mutual negotiation, consultations and dialogue.

As already said that crises in Kashmir should also be tackled and resolved through negotiations and dialogue. the following can be the three basis of negotiations :—

(i) Democratic process to be started

(ii) Dialogue

(iii) Settlement within Indian constitutional framework and grant of meaningful special status or autonomy.

All the secessionist groups should be invited for dialogue. If they do not come forward then calling all party meeting and giving the state the meaningful status of autonomy like special status to kashmir in pre-1953 period.

People may agree to these proposal as political elities in the valley are convinced that in present day world, no state could purely operate on religious basis. Moreover, Independent Kashmir cannot exist as a viable unit without foreign dependence. They are equally convinced that even Bengali speaking people, the Sindhis and the people of Frontier province in Pakistan, through Muslim could not maintain their separate identity. Even those Muslims who had migrated from India to Pakistan during 1947, are still treated as 'Mahajars' and are target of violence, discrimination and hatred. Whereas India is still being praised for its secular policy. This fact is even endorsed by several Pak servicemen, foreign missionaries and Afghans and Sudanian infiltrators, recently arrested in India as well as detained in Jammu and Kashmir or returned from Kashmir. They are also of the view that ISI cannot able to play religious card anymore with Afghan youths.

Simultaenously, all-out efforts should be made to restore the lost confidence of Kashmiris by stopping all talks about scrapping of Article 370, Masjid-Temple controversy, Hindu Rashtrya, Akhand Bharat; dubbing each Muslim as anti-national, trifurcation of the state, supression of the people's will by force etc. Serious efforts should also be made to restore democratic functioning of the governmental machinary, to release innocents erroneously arrested, convencing the people that India is a true secular state and no effort should be made to suborn the electoral process and the popular government established thereafter. One should not forget that Jammu and Kashmir state is also the part of Indian Union. As Indians, Kashmiris too are entitled to enjoy all politico-Sociao-Economic and civil liberties that our Constitution grants to us. They too have the right to have their grievances heard and redressed within the bonds permitted by the world's most liberal democracy like ours.

I may conclude with the remarks of Mr. Satish Kumar— a journalist that "A strudy and confident approach in diplomacy, coupled with effective management of militancy and conscientious attempts to meet the aspiration of Kashmiri people will carry the day for India," and will help to a greater extent to combat militancy in Jammu and Kashmir.

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